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PART 1

CASEES AND TRIALES

THE GREENWOOD MURDER CASE.

THE GREENWOOD MURDER

CASE

The wife of a country solicitor at kidwelly named Harold Greenwood, had died in her bed at a quarter past three in the morning of June 18th, 1919. At half-past three in the afternoon of June 16th, 1920, Harold Greenwood, the husband, was arrested on a charge of murdering her. Local gossip had led to his arrest; he had married a young and attractive woman, whom he had known for a long time, three months after his wife's death, and had also, in the interval between his first wife's death

and his second marriage, proposed to another lady friend, the sister of the local doctor who had certified his first wife's death as due to heart failure. This doctor had been sent for to attend to Mrs. Greenwood who seemed to be suffering from a stomach upset after lunch, as a result of eating gooseberry tort. The authorities ordered the exhumation of the body, and Dr. Webster, the Home Office analyst, calculated by the March test that there was a little more than a quarter of a grain of arsenic in the woman's body. It was known and proved that Harold Green-

wood used a weed-killer, containing a strong dolution of arsenic, for his garden. The police approached a girl named Hanna Williams, who had been parlourmaid to the Greenwoods at the date of the first wife's death, and obtained a statement from her.

The Mrs. Greenwood had drunk alone from a bottle of wine on the table at luncheon on the day of her death, that before lunch Greenwood had gone into the pantry cupbeerd from the garden, and that the bottle of wine which had been on the luncheon -table and disappeared by

the following day.

The circumstances of the death of Mrs. Greenwood were consistent with arsenical poisoning. Until the very conclusion of the trial the theory of the prosecution was that Greenwood had polluted the wine in this bottle with arsenic in order to kill his wife, and had watched her slowly die from luncheon on Sunday till 3,15 on Monday morning.

The brief for the defense was sent to Marshall Hall Greenwood's case excited the most hostile public

prejudice, and he was generally assumed to be guilty during his four months' incarceration before trial. Marshall Hall was in a favourite silversmith's shop on the day before he went down to carm then Assizes. "I am surprised at you, Sir Edward", said the silversmith, an old friend, "for defending that blackguard Greenwood. You must see he is guilty your self. However, I suppose it is your job".

"Guilty, indeed, retorded Sir Edward, "The man's innocent, and I'll get him off - you'll see".

"Very well", said the silver-smith, whathere you get him off or not, if you convince me that man's innocent, I'll make you a present of this".

As he spoke, he held out an eighteenth-century silver tankard, Sir Edward arrived at the Ivy Bush Hotel, Carmarthen, late on a very dark night. Everybody engaged in the case was staying at the hotel, including Sir Edward Marlay Samson, leading counsel for the Crown, and Sir William Willcox. The case excited the most enormous interest in Wales, and, as Marshall drove

to see Greenwood on the following morning, the streets were lined with spectators - as they were throughout the trial - as if for a royal procession. After his interview with the prisoner, he said to his confidential clerk, Ernest Harvey, "I cannot make up my mind witness, and everything will turn on the evidence of his daughter and the cross-examination of Webster and Willcox".

There was a duel between Willcox and Marshall Hall as to arsenical poisoning; once more Marsh's test was

to be examined and criticised for hours; once more the methods of the police in operaining evidence were to be attacked. In the course of the trial, Marshall Hall again created an amazing transformation of feeling,; at the beginning, as Greenwood was driven to the assize court, his carriage was given special police protection, and he was the subject of angry demonstrations. Towards the end, the police witnesses almost needed protection themselves.

Sir Edward himself was a very sick man throughout the trial;

he could neither stand up nor sit down without acute physical discomfort, and, for this reason, his corduct of the defence was not only masterly but heroic. But the physical strain told terribly on his nerves, and resulted in frequent outbursts on his part against the witnesses, and even in vehement at the periodical interventions from the Bench. It was only when his old friends, the experts, were in the box that he exercised admirable restraint.

On the mere facts of the case there were two important wit-

nesses whose evidence it was essential to challenge; the doctor who had certified death, and the parlourmaid. The later was a pretty, rather complacent young lady; Marshall Hall sought to show that her whole evidencė was coloured by questions put by the burly policeman who had approahed her months after her late mistress's death. She altered the details of her story again and again, and finally said that the bottle of wine from which Mrs. Greenwood had helped herself at lunch was labelled "Port Wine". "Whoever heard of such a thing" commented Marshall Hall.

"A little touch of the domestic servant". She also said that she had never known Mr. Greenwood to wash his hands in the pantry cupboard before that morning, but she was quite certain he had done so that Sunday on one or was it two occasions Miss Irene Greenwood never drank wine, on this occasion or at any time; nevertheless, she had put out pink glasses, one for Miss Irene and one for her mother. "Poor little girl, Poor little frightened this/ "Marshall Hall observed in his final speach, and that was undoubtedly the impression created by her

on the minds of the jury. She had been led to make statements about details which she could not be expected to remember the lapse of months, and had tried in vain to adhere to them. But if she frightened by the big, burly policem nt, she was still more frightened by the big, burly counsel for the defence. She seemed to consider herself on her defence for having drunk the remainder of the wine herself. In answer to the question, "Are you a testotaller"? She said, "Yes, I am, I am having a name for having drunk it, but I am not drunk today".

Marshall Hall was defending a man's life, and he pressed the girl still further, for her defensive attitude was extremely helpful and interesting to him. She was clearly thinking, not of the prisoner, but of her own position. Finally, the judge intervened. "You were shooting at the witness", he said, "I have to see that witnesses are not addressed in a vehement way".

"Why, " retorted Sir Edward, " it is may duty to bevement".

If this girl's evidence had remained unshaken, it might have gone hardly with the prisoner, but there was another witness for the prosecution whom Marshall Hall was to put upon the defensive - the local doctor who had given the certificate of death. The doctor had prescribed a mixture of bismuth, and also, according to his evidence at the police court, two morphia pills, which had been administrated by the trained nurse to the patient at 1 P. M. after which she was violently sick, and fell into a state of come, from which she never recovered. It

was suggested to the doctor at the police court that these pills might have been the cause death. How, a morphia pill contain half a grain of morphia, and grain of morphia would be a dangerous does to a woman who, like Mrs. Greenwood, suffered from a week heart. Marshall Hall, when he read this in the depositions, realised that here lay a strong line of defence. If Mrs. Greenwood took, under doctor's orders, a drug in a dangerous quantity, and soon afterwards sank into a state of coma the natural result of such a do-

se of morphia - from which one never recovered, it would be difficult to attribute her death to her husband, whether arsenic was found in her body months after her death or not. Naturally, Marshall Hall had prepared a heavy cross-examination on this point for the doctor. But an unpleasant surprise was in store for him, things were not to be so easy as that. When the doctor went into the box, he explained that when he had said morphia pills at the police court he had meant opium pills. Now, as opium pill only contains one fortoeth

of a grain of morphia, and it would be absure to suggest that these two pills could have death even to a woman with a weak heart.

Marshall Hall was on his legs in a moment, protesting at this apparent change of front, and demanded that his cross-examination should be deferred till the morrow. He did, however, ask the doctor one interesting question that afternoon.

"If you had given her two half-grains of morphia, you would not be supprised that she died at

four O'clock - "Yes I would".

Now, this answer was a surprising one, and provided Marshall Hall with all the ammunition which he needs, in view of the doctor's explanation of his previous statement. On the next day the battle was resumed; and the doctor said that opium pills were often called morphia pills, because they contain morphia.

Now, doctor", said Marshall Hall, "there is an enormous difference between opium and morphia" - "I know that".

"You said that, in your opi= nion, there would have been so dan- ger in giving this woman two half- grains of morphia?" - "I meant two half-grains of pure opium".

"I asked you the question last night purposely before the court rose. I asked you if it would have been safe to give this woman two half-grains of morphia, and you said it was perfectly safe. Did you think I meant opium then?" - "Yes".

The Marshall Hall spoke slow-

ly and deliberately. "I give every allowance to every witness who say what I don't expext him to say. Have you the smaliest doubt whatever that if you, as a medical man, were accurate when you said you gave her two half-gtains of morphia after ten O'clock that she would have dead before four O'clock - "If I had given her morphia she would, but I did not give her morphia".

Lately Marshall Hall asked the doctor for the prescription of the tonic given by him to Mrs;

Greenwood. He could only produce a piece of paper which he had copied from his prescription book. He undertook to produce the book itself on the next day. When the time cam , he had to admit that the prescription book had been destroyed. It must have been destroyed, he said, when he retired from practice at the end of 1919. But Marshall Hall was able to show from the doctor's own statement that latter had copied the prescription from the book in June 1920.

"Why was it destroyed? "as-

ked Marshall Hall.

"I don't remember", said the doctor.

At one point the Court was thrown almost into a frenzy of excitement. The police had taken down a statement from Greenwood in a notebook, and he had signed it. When the statement was read out in court he said that it differed from the signed one on several particulary. The difference really came to very little, but a most unusual scene took

place. Marshall Hall saw a little piece of paper sticking up from the kinding of the book, which indicated that some paes might have been torn out. He flourished his magnifying-glass. The inspector in the box took exception to the suggestion, and was very positive that book had been in good order before it passed to Sir Edward, and added that he had seen Sir Edward handling it roughtly. Marshall Hall flew into a temper, and demanded to be put into the witness box. The judge calmed him down; but he again become excited when the clerk of assize went into the witness

box to count the pages of another police notebook, and found ten more pages in it than Greenwood book. However, the incident was only a passing sterm, and nothing hinged upon it.

On the fourth and fifth days Marshall Hall cross-examined . Dr. Webster habis produced a serious of glass tubes, or " mirrors", which proved the arsenic present in Mrs. Greenwood's body on exhumation. Marshall Hall again argued that a very slight mistake in observation or calculation in performing the Marsh experiment would make the most

vital difference, and embarked on a long mathematical discussion with Dr. Webster.

"I may not know such about the law, but I know some thing about decimel," He said, and went on with his calculation.

The duel with Sir William Willcox was again a triumph of patience and skill, Marshall Hall hardly received a contradiction from either of these two witnesses, his questions were so cunningly framed that it was hard to disagree with them.

When he was putting forward the wid- est improbability, he would ask whe- ther such a thing were barely pos- sible, and the doctor would have to agree. An admirer of Marshall Hall's said that his propositions sounded hardly innocent and unimpesahable than much a question as, "Do you ag- ree with me, doctor, in believing that arrowroot is better for infacts than arsenic? "This constant assent by tTreasury experts gave the jury the impression that Marshall Hall was winning them over to his views.

"You gave evidence before the magistrates, and expressed the opinion that the cause of death was arsenical piosing?" - "Yes".

"Is that the opinion you expressed some months age ? " - "Yes".

"Has the evidence you heard to this case weakened or strengthened your opinion?".

Sir William, who always uses a slow, rather deliberate manner, paused very noticeably before replying, "I am still of the opinion that

death was caused by arsenical poi-
soning".

This hesitation of the chief witness for the Crown was one of the strong points of Marshall Hall's ope-
ning speach for the defence.

Even more important was ano-
ther question and answer "The utmost deduction that you can draw against the accused here is that some thing on the border-line of the possible fatal dose had been administrated?"-
"Approximaraly the minimum fatal do-
se had been administrated".

And yet again:

"When Dr. Griffithe says that morphia pills are often called opium pills, is that news to you?" - Yes".

Marshall Hall very skilfully used the suggestion that the arsenic from the weed-killer might conceive-bly have got on to the skins of the gooseberries which Mrs. Greenwood had eaten for lunch; that the arse-nic might even have been known up from the grass by the wind, and that Mrs Greenwood might have inhaled it;

he also put to the witness a number of mysterious and curious instance of arsenical poisoning.

The most dramatic moment, however, of the cross-examination was the result of Marshall Hall's own enterprise. He remembered, and he lay a week in some pain on the night after the local doctor had given his evidence, that the letter had said that he kept both Elsmuth and Lowler's solution or arsenic in his dispehsing room, and had prescribed bismucth for Mrs. Greenwood on the day of her death. An idea co-

curred to him. "I wonder if that is a possible theory?" he thought. "They look exactly the same? "The next morning of nine O'clok he was down at the chemist's and bought two little bottles, one containing bismuth, the other Fowler's solution of arsenic. They were almost indistinguishable in appearance, while William Willcox was in the box, Marshall Hall innocently asked him about what Flower's solution of arsenic looked like? "Oh", said the doctor, "it is a raddish liquid".

"Rather like this?" said Marshall Hall, producing his little bottle of bismucth before anyone could stop him". "Yes", said Sir William.

Marshall then showed his other little bottle to the witness and the jury, and suggested that a mistake was quite possible in regard to them, it was in vain for the prosecution to protest that these little bottles were not official exhibits of the court. They had their effect, and Sir William had been cross-examined as to them.

"If, by some unfortunate mistake, he, in the anxiety and hurry, gave her four teaspoonfuls of Flower's solution, you would have got all the arsenic you found, or more than you found?" - "Yes".

And there would be practically no distinction in colour in the mixture, whather the mixture were of bismuth or a solution of arsenic?" - "No, they resemble each other.

He presisted in this sug-

gestion till the trial ended, not
in any way as a charge against the
ministrations of the local doctor,
but as an alternative hypothesis
(which he was under obligation to
prove) to account for the presence
of the arsenic in the body. It
was in the last degree unlikely
that the doctor had in fact made
such a mistake; but was it not still
more unlikely that a respontable
sollicitor should murder his wife in
this brutal manner ? Each hypo-
thesis was improbable; the three
explanation in all probability was

still ungussed; for arsenic can get into the human body in a number of extraordinary ways. But, when one hypothesis postulates murder, it is the duty of the defence to call attention to all the possibilities on the face of the case. It was a brilliant "red herring" dragged across the case for the prosecution, and very typical of Marshall Hall's quick and original mind.

It is interesting to go behind the scenes and discover

that this long duel between the Crown experted the defending advocate was only made physically possible by the skill and kidness of the dormer. Sir William had been givin medical tratment and assistance at the Ivy Bush Hotel throughout the trial to Marshall Hall, and if had not been for this, the latter would never have fought his may through this strenuous case as be did.

Marshall Hall began his opinion speach for the defence with

as allusion to be fact that local gossip had been the first origin of this case.

He said that he would call two doctors for the defence Dr. RToogood and Dr; Griffithe of Swanses - the prisoner, and his daughter, Irene Greenwood. These two distinguished physicians both said that in their opinion Mrs. Greenwood had died of a dose of morphia. Greenwood himself went into the box on the sixth and seventh days. Maeshall Hall examined him in

unexpected and dramatic way, only asking him a few direct questions, of which the last were these:

- "Had you anything to do with your wife's death?"

  "Nothing whatever".

- "After your wife's death, what happened to her private means?"

  "They went to her children".

- "You have been in prison for four and a half month,

and are you now ready to
answer any questions my
friend may ask relative
to his case?"

"Yes".

Greenwood spoke very low, and his evidence added new aspects to the case. But he survived his long ordeal of cross-examination without breaking down in any important particular. Yet, on trial for his life as he was, the most important witness for the defence was to come after him.

Marshall Hall had held a long earnest consultation with the prisoner's daughter, Miss Irene Greenwood, she went into the witness box. Her great nervousness showed that she was fully aware of her responsibility; she made a most moving and convincing witness, constantly referring to the prisoner as "my daddy". The great importance of her testimony was that: she said that she also had drunk from the bottle of wine from which, as the prosecution alleged, her mother had been poisoned by her father. She gave her evidence

with great certaintly as to detail. When asked how her mmomery was so good, she replied that she remembe-red everything so well because her mother died that day. Marshall Hall afterwards said that she had saved her father's life. As the jud-ge said in his summing-up, "If she also drank from the bottle, there is an end of the case".

Marshall Hall's final speach lasted over three hours, it had been very doubtful the night be-fore whether he would to able to ma-ke it, but "as the prisoner was a

number of his own profession" he
made a supreme effort.

And then the advocate
dropped his voice to a whisper, and
closed his masterly defense, as he
had opened it, with a question from
Othello.

"Are you going, by your ver-
dict, to put out that light?"
he said, still speaking low.
Then he stood, and his words
rang out loud and clear:
"Gentlmen of the Jury, I de-
mand at your hands the life

and liberty of Harold
Greenwood".

After his speach, Marshall Hall was compelled by sheer physical pain to leave the court. Greenwood was furious, perhaps thinking that his life and mentals against were more important than any physical pain of his advocate.

The concluding speach for the Crown lasted three hours, and Marlay Samson attempted to broaden the case for the Crown. He pointed

out that the dead woman, besides drinking wine at lunch, had taken tea and brandy and the poison might equally well have been poured by the prisoner into these beverages. This change of position did not strangthen the case for the prosecution. The motive suggested throughout the trial Greenwood's physical passion for second wife; and during the course of his speach this experienced advocate made a bad slip in referring to the fact that the lady had not been called to give evidence - a comment which is prohibited under the criminal evi-

dence Act.

Immediately after Mr. Justice Shearman's summing-up on the following day, Marshall Hall left, again for reasons of health, in a special car, to catch the London train at Cardiff; and, as he was walking with his clerck on the platform, anxiously speculating on the result of the verdict, a porter came up and spoke to him.

"I see you got him off, Sir Esward", he said.

The Jury, whose forman; by a fortunate chance was a manufacturing chemist - Mr. E. Willis Jonos had acquitted the prisoner after a deliberation of over an hour.

The verdict was an excessingly popular one; but, although Sir Edward probably received more congratulatory letters and telegrams on this acases than any other, none came from the prisoner himself - the onlty of all his prisoners who never thanked him by word or letter. Perhaps his counsel's absence were still rankling in Mr. Greenwood's

mind. Sir Edward had taken a considerable lower fee than he would otherwise have done on the special ground that Mr. Greenwood was a member of his profession. He had sacrified other more lucrative work and spent the whole of the Sunday in preparing his final masterly speach, possibly greates of his career. His clarcktook the certainly unusual step, having regard to the lower scale of fees originally accepted, of applying for a "Sunday" refresher. Mr. Ludford, Mr. Greenwood, solicitor, undertook to place the question "very stron-

gly" before his client. But the latter, still a lawyer and strictly within his rights, flatly refused to comply with this request.

Soon after Marshall Hall returned home, he received a parcel from friend the silversmith containing a tankerd, which was inscribed. "I dared you to it, and you did it". By an amazing and romantic coincidence, this plaee had been the property of Sir Edward own grandfather, and bore his name.

PERSONS IN THE CASE

1- Mrs. GREENWOOD:

The wife of a Solicitor who was alleged to have been poisoned by him. The poison used was arsenic, a poison which spreads very quickly in the body.

2- Mr. GREENWOOD:

A country solicitor who lived at Kidwelly in Wales. He was accused of murdering his wife to get rid of her to marry another beautiful lady.

He was tried but was acquitted because of the masterly defence of Sir Marshall Hall. He was ungrateful to Sir Marshall Hall he did not thank him for his great effort though he was very ill.

3- HANNAH WILLIAM:

The parlourmaid in the service of the Greenwood at the time of Mrs. Greenwood's death. She was approached by the police who took from her a statement which led to the arrest of her

master. Had her evidence remained unshaken, Greenwood would have been put to death. Her evidence in court differed from here at the police station.

4- Dr. GIFFITHE:

The doctor who treated Mrs. Greenwood and certified her death as due to heard failure. Greenwood proposed to his sister after the death of his first wife. He pres-cribed to her bismuth and ordered the nurse to give her two pills of marphia.

5- <u>Dr. WEBSTER</u>:

A Home Office analyst who said that Mrs. Greenwood had died of arsenical poisoning.

6- <u>SIR WILLIAM WILCOX</u>:

The chief analyst at the home Office who said that Mrs. Greenwood had taken the minimum fatal dose of arsenic to cause her death. He proved to be a perfect gentlmen because of the medical care he gave to Sir Edward Marshall Hall without which Sir Edward could not have able to car-

ry on with defence.

7- <u>SIR MARLAY SAMSON:</u>

He was attorney general of England and it was he who represented the Crown in prosecuting Greenwood. When he found that the case was about to explode he tried to broden it by saying that arsenic might have been poured by Greenwood in the tea or brandy she had taken that day.

8- <u>SIR. EDWARD MARSHALL HALL:</u>

Was the barrister who de-

fended Greenwood and get off.

9- Mr. JUSTICE SHEARMAU:

The judge who presided over the trial of Greenwood.

10- MISS IRENE GREENWOOD:

The daughter of Mr. and Mrs; Greenwood. She saved her father's life by saying that she drunk wine from the same bottle at lunch. She was a very convincing witness.

11- MR. LUDFORD:

He was Mr. Greenwood's solicitor who sent the briefs of the case to Sir Edward Marshall Hall to defend him. He friend with his client to raise Sir Edward's fees but he failed.

12- Mr. WILLIS JONES:

He was a manufacturing chemist who acted as forman of the July who acquitted Greenwood.

ANOTHER CASE MENTIONED

MISS BARROW'S CASE:

A case dealing with the murder of a Miss. Barrow by arsenical poisoning. Sir Edward was engaged in this case as a counsel for the defence. Seddon was the prisoner.

IMPORTANT PLACES:

1- KIDWELLY: A country place in Wales where Mr. Greenwood practised as a solicitor.

2- CARMARTHON: A city in Wales where the trial of Greenwood took place.

3- THE IVY BUSH HOTEL: It an Hotel in Carmar then where Marshall Hall and all those engaged in the case of Greenwood were staying.

4- THE MOTIVE OF THE MURDER:

Greenwood poisoned his wife to get rid of her so as to

marry a young beautiful
lady whom he loved. He did
marry her three months af-
ter his first wife's death.

THE MARSH TEST:

It is a chemical experiment by which arsenic is extracted from aminute speciment of a part of the body in the form of a gas, and deposited on the surface of a tube, thechnically called a "Mirror". For instance, from a minute part of the

stomach a minute proportaion of arsenic is found. The minute portion of arsenic is multiplied proportionality to the total weight of the stomach as compared with the minute part of the stomach analyzed by Marag Test. In this way the total amount of arsenic found in the whole stomach is ascertained. Thus all the the main component parts of the body, stomach, bone, muscle etc. are analysed in this way, and the total arsenic found is estimated.

TO EXHUME :

To take a body out of a grave.

EXHUMATION :

The authorities ordered the exhumation ot the body of Mrs. Greenwood.

THE ASSIZES :

In England, the Criminal Caourt is called the Assize.

THE SUMMARY OF THE CASE

The wife of a country sollicitor named Greenwood died in June 1919. The local doctor certified the wife's death as due to heart failure. Mrs. Greenwood was suffering from a stomach upset as a result of eating goosberry tart.

Greenwood proposed to the sister of the local doctor and married another beautiful lady three months after his wife's death.

In June 1920, Greenwood was arrested on a charge of poisoning his wife. The authorities ordered the exhumation of the wife's body. Dr. Webster - the analyst - proved by the Marsh Test that there was arsenic in the woman's body. The Police obtained a statement from the girl-servant of the Greenwoods that Mrs. Greenwood alone had drunk from a bottle of wine at lunch on the day of her death. This bottle of wine disappeared the following day.

The theory of the prose-

cusution was that Greenwood has polluted the wine with arsenic in order to poison his wife. This case excited the public and there were angry demonstrations. Mr. Greenwood needed police protect-tion. He choses Sir Edward Mar-shall Hall to be his barrister.

Before the trial started Hall had visited a silversmith's shop. The silversmith showed his surprise because Hall agreed to de-fend criminal Greenwood. Marshall Hall told him that Greenwood was

innocent and added that he would
set him free. The silversmith pro-
mised Hall to present to him an old
silver tnkard if he succeeded in
setting Greenwood free. RThis mee-
ting showed that Hall was complete-
ly convinced that Greenwood was in-
nocent and that Hall was sure that
the Court would set Greenwood free.
When Greenwood was set free, Hall re-
ceived the silver tankard from the
silversmith who had promised to do so.
By coincidence, this tankard had
been the property of Hall's grandfa-
ther.

HALL'S DEFENCE :

1- Hall criticized **Marsh test** by which Dr. Webster proved that there was arsenic in Mrs. Greenwood's body. Hall had so confidence in that test.

2- Hall attacked the **methods of the police** in obtaining evidence from the girl-servant. Her evidence was coloured by the police questions.

3- He showed disbelief in the servant's evidence, because she changed the details of her evidence again and again.

4- Hall said that arsenic could get into Mrs. Greenwood's body in different ways:

a) It was known that Greenwood used a weed-killer, containing a strong solution of arsenic for his garden.

The wood-killer might have got on the skin of the gooseberries eaten by Mrs. Greenwood, or it might have been blown up by the wind from the garden and that Mrs. Greenwood might have inhaled it.

b) The local doctor confessed that he kept both bismuth and a solution of arsenic in his room, and he prescribed bismuth for Mrs. Greenwood on the day of her death. Bismuth and the solution of arsenic looked exactly the same. Hall sugges-

ted that a mistake was quite possible. The doctor in his anxiety and hurry might have given her the solution of arsenic instead of bismuth, and this might account for the presence of arsenic in Mrs. Greenwood's body.

5- The local doctor prescribed for Mrs Greenwood morphia pills, from which she fell into a state of coma and never recovered Hall suggested that these pills might have been the cause of Mrs.

Irene Greenwood's evidence.
She made a most moving and convincing witness. She declared that she also drunk from the bottle of wine, from which her mother had drunk. This proved that the wine had not been polluted. So, she saved her father's life.

7- Hall referred to the fact that local gossip had been the first origin of this case.

For health reasons: Hall was com-

2- Hall left the Court after
giving his final speach.

3- Greenwood was set free th-
rough the masterly defence
of Marshall Hall possible
the greatest of his career.

4- Marshall Hall took very low
fees from Greenwood and sac-
rificed more profitable work,
because he was a member of
his profession.

ARABIC AND ENGLISH

GLOSSARY

Local gossip	اشاعات محلية
Interval	فترة
Propose	يتقدم للزواج
Certify	يشهد
Heart fealure	هبوط فى القلب
To attent to	يعتنى بـ - يسهر على
Upset	اعتلال بسيط
Gooseberry tart	كعكة محشوة بعنب الثعلب
Exhumation	استخراج الجثة من القبر
Calculate	يحسب - يقدر
March test	اختبار أو تجربة مارش
Grain	قمحة (وزن)

Weed-killer	مبيـــد للاعشـــــاب
Solution	محلــــــــــول
Approach	يتصـــــــــل ب
Parlourmaid	خادمـــــــــة
Obtain a statement	يحصل على اقــرار
Luncheon	وجبـــة الغـــذاء
Pantry	حجرة لحفظ المؤن والأدوات
Consistent with	يتفـــــق مــــع
Theory	رأى
Pollute	يلـــــــــوث
Brief	أمر قضائى ـ مذكرة عن قضية
Hostile	عدائــــــــــى
Prejudiced	متحيـــــــــز
Assumed to	مفتـــــــــرض
Incarceration	حجـــــــــز

Assize	محكمـــة الجنايـــات
Blackguard	وغـــــد
Lind with spectators	مصطف بالمشاهديـــن
Royal procession	مـكب ملكـــى
Confidentail Clerk	كاتب موثـــوق بـــه
Duel	مبـــارزة
Criticise	ينتقـــد
Transformation	تحـــول
Witnesses	شهـــود
Vital episodes	أحـــداث هامـــة
Contribute materially	يسهم ماديـــا
Strain	اجهـــاد

Outburst	**هيـــــــاج**
Vehement protests	**احتجاجـــــات**
Periodical interventions	**تدخل على فترات**
The bench	**القاضـــــــى**
Restraint	يكبـــح جمـــاح
Challenge	يتحـــــــدى
Complacent	لطيـــــــف
Was caloured	محـــــــرف
Comment	يعلـــــــق
Pink	أحمـــــر وردى
Final speach	الخطبة الختاميـة
Details	تفاصيـــــــل
Adhere	يتشبـــــــث

Burly	فــــظ
Frighten	يخيــــف
Tectolaller	شخص لا يتعاطى الخمر
Intervene	يتدخــــل
Address	يخاطــــب
Retort	بــــرد
Vehement	شديد - عنيف
Prescribe	يصــــف دواء
Pill	حبــــة
Dose	جرعــــة
Opium	أفيــــون
Apparent	واضــــح
Resume	يستأنــــف
Purposely	عمــــدا
Deliberataly	يتــــروى

Undertook	تعهـــــــد
Copied	نســـــــخ
Prescription	روشتـــــــه
Binding of the book	جلـــــدة كتـاب
Manifying glass	منظـــار مكبـــر
Mathematical discussion	مناقشة حسابيـــة
Made some observation	أدلى بملاحظـــات
Decimale	كســـور عشريـــة
Improbability	اللااحتماليـــة
Unimpeachable	لا يرقى اليه الشـــك
Arrowroot	أروروت
Infants	أطفـــــال

Winning them over to his views	يكسبهم لآرائـــه
Hesitation	تـــــــــردد
Opening speach	خطبـــة افتتاحيـــة
Deduction	استنتــــــاج
Approximately	تقريبـــــــا
Minimum	نهايـــة صغـــرى
Inhale	يستنشـــــــق
Instance	أمثلـــــــة
An idea occured	طرأت له فكـــــرة
Indistinguishable	لا يمكن التمييز بيـن
Prosecution	اتهام أو ادعـــاء
Exhibits	معروضـــــــات
Mixture	مزيـــــــج

A brilliant rod-erring	أبعاد رائع للانتباه
Strenuous	مضني
Content	يكافح
Prompte	ملقنه
Convert	يحول
Insensate	عديم الحس
Verdict	قرار
The jury	المحلفون
Anguish	الم عقلي مبرح
Concluding speach	الخطبة الختامية
Motive	دافع
Experienced	مجرب - له دراية
Prohibited	ممنوع
Platform	رصيف المحطة

Porter	حمـــــال
Forman	رئيس المحلفيـــن
Popular	ملائــــــم
Congratulatery)) letters)	خطابات تهنئـــة
Sacrified	ضحـــى بــــ
Client	عميـــــل
Flatly refused	رفض بكل معنىالكلمة
A thankard	ابريـــــق
Inscribed	منقـــــوش
Bore his name	يحمـــل اسمـــه
The dock	قفـــص الاتهـــام
The witness box	مكان الادلاء بالشهادة
Witness for	شاهـــد اثبـــات
Witnes against	شاهـــد نفـــى

Summing up	تلخيـــــــص
To acquit	يبـــــــرىء
Solicitor	محامى (يستشار ويكتب مذكرات القضيـــة) .
Barristor	محام (يدافع فى المحكمة)
Counsel for the Crown	محام الاتهــــــام
Counsel for the defence	محام الدفـــــــاع

QUESTIONS AND ANSWERS

1- What was Irene's evidence? and how was she the cause of her father's acquittal ?

Irene's evidence was that: She had drunk from the bottle of wine from which her mother had been poisoned by her father. When asked how her memory was so good, she replied that she remembered all the details, because her mother died in that day. The judge said in his summing up, "if she had drunk from

the same bottle, there is an end of the case". In this way, the daughter save her father's life.

2- <u>Bismuth and Fowler's solution of arsenic looked alike</u> ? <u>How did Marshall Hall make use of this statement in his defence</u>?

As Hall knew that Bismuth and Flower's solution of arsenic looked alike, and it was difficult to distinguish one from the other, because their colour were reddish, he thought that the

doctor might have made a mistake in giving the one instead of the other. He bought from the chemist, two bottles containing Bismuth and the other Fowler. Hall asked Willcox about the colour of both, who said it was reddish. Willcox was shown arsenic and took it for Bismuth. At once, Marshall Hall suggested that a mistake was quite possible in regard to them.

3- On what charge was Mr. Greenwood charged and what led to him arrest ?

Mr. Greenwood was arrested on a charge of murdering his wife by polluting the wine with arsenic.

He was arrested because he had married a young woman three months after the death of his wife and had also proposed the sister of the doctor who had certified the wife's death as due to heart failure.

4- How did local doctor differ from the home office analyst in certifying Mrs. Greenwood's cause of death?

The local doctor certified the wife's death as due to heart failure. Mr. Webster, the Home Office analyst calculated by the March test that there was a little more than a quarter of a grain of arsenic in the woman's body. He said that arsenic was the cause of death.

5- <u>The parlourmaid's statement to the police different from that she said in Court. Discuss.</u>

The Greenwood's parlour-maid gave statement that the wife had drunk alone from the bottle of wine whic was on the table at lunch on the day of her death, and Mr. Greenwood before lunch had gone into the pantry cupboard, and that bottle of wine had disappeared. <u>In Court</u>, she asked the details and said that she had never seen the hus-

band wash his hands in the pantry cupboard before this, and she said also that Ire-ne, the daughter never drunk wine while she put wine glas-ses on the rable.

PREFACE

There is no doubt that knowing very well a foreign languages are one of the most important elements for knowledge , culture , and having a high level of education especially the graduate scientific degrees (The Master, The Ph.D الماجستير و الدكتوراه) .

In this course , we have selected different subjects , for the use of students of the second year at the faculty, of law - we have tried to present many aspects of our studies, such as the Islamic doctrines , Administration, political systems, International relations, the judiciary system and the economic mattars and problems .

We advise students to do all their best. and try to understand each passage carefully You must have a good vocabulary , choose the right words , and it is therefore essential

that you build up your word-power by giving full attention to the set passages in this course. You must revise what you have written to avoid wrong spelling , wrong tense , wrong terminology and wrong contruction .

Finally we hope that this course will be usfel .

WITH MY BEST WISHES

Dr. KHALED SAAD ZAGLOOL   Dr. EZZAT ABDEL-HAMIED

Shebin - El Koom

13 / 10/1990

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CHAPTER III

MEANS OF SETTLEMENT

OF INTERNATIONAL DISPUTES .

Before , we well come to treat the arbitration as a means of settlement of international disputes , it is essential to know shortly what are the another peacaful means of settlement of legal , economic or commercial and political international disputes .

Disputes inter-state may be arise form a wide variety of reasons. They are divided into legal and political, or justiciable and non--justiciable disputes .

Legal disputes are those in which the parties founded their respective claims on reasons recognized by the international law. All other disputes as generally referred to as political , or not suitable for judicial settlement.

There are diffrent kinds of disputes , such as : boundary disputes , territorial claims, breaches of treaties or agreements, ..., ..., and disputes concerning the international trade and investment mattars . These disputes can be find a solution by the diplomatic means which are resulted from the international law , or another international rules and principles .

According to international law and the dominant custom . we can divide the procedures adopted to find a solution for the disputes into two groupes .

I - Diplomatic procedures .

II - Adjudicative procedures .

I - Diplomatic Procedures :

Diplomatic procedures, usually, aime to find a solution by means of an agreement between the parties .

In general these procedures are : negociation, good offices, mediation, inquiry, and concili-ation .

1 - Negociation : It is the traditional means of settling states differences. Many disp-utes are settled to-day by negociation . Its success depends. generally „ on the acceptability of the demands of either party to the other and the spirit of mutual acc-ommodation with which negociations are cond-ucted .

2 - Good Offices : It is the process by which a third party calls together (Convenes) the parties of the dispute for a meeting to negpcoate .

3 - Mediation : It is the process by which a third party helps the parties to reach for an agreement by reconcialing their oppos-ing views situations .

4 - Inquiry : It is the process by which a third party can elucidate the facts(making it clear) of the dispute, and presente a report which is not binding on the parties of the dispute .

5 - Conciliation : It is the processes by which the parties of the dispute referred to a third party, whose his task is to propose the terms and elements of settlement, which are not binding on the parties of the dispute .

II - Adjudicative Procedures :

Adjudicative proceduces are to find a seltlement by a third party to determine the questions (mattars) of law and facts concerned the dispute . It consists of two means ! judicial settlement and arbitration .

1- Judicial settlement :- means the parties have to submit to a permanent tribunal which applies general rules of law .

VOCABULARY , EXPERESSIONS AND TERMINOLOGIES

Arbitration تحكيـــم

means of settlement وسيلة تسويـــة

International Disputes منازعـــات دولية

essential .... ضـــرورى

shortly باختصــــار

legal disputes منازعات قانونيـــة

economic disputes منازعـــات اقتصاديـــة

commercial disputes منازعـــات تجاريـــه

political disputes منازعـات سياســية

referred to يشـار الى

not suitable غير ملائمة أو غيـــر مناســـبة

judicial settlement التسوية القضائيـــة

boundary disputes منازعـــات الحـــدود

territorial claims منازعات او دعاوى اقليميــــة (تتعلق بالارض)

inter-state مابين الـــدول

wide variety تنـــوع واسع " كبيـــر "

divided into تنقسم الـــى

justiciable disputes قابـل للحـل القضائــى

non-justiciable disputes غير قابل للحل القضائـــى

founded on يؤسس علـــى

claims مطالـــب

recognized by معترف بها بواسطـــة

internationl law القانـــون الدولـــى

mediation وساطـــــة

inquiry البحث والتحقيق

conciliation التوفيـــق

traditional means وسائـــل تقليديـــة

English	Arabic
breaches of treaties	نقض الاتفاقيات
international trade	التجارة الدولية
investment	استثمار
solution	حل
diplomatic means	وسائل دبلوماسية
resulted from	تنبع من ـ يستخلص من
rules and principles	قواعد ومبادىء
according to	طبقا لـ
dominant custom	العرف السائد ـ العرف المسيطر
Diplomatic procedures	طرق واجراءات دبلوماسية
Adjudicative procedures	طرق أو اجرائت قضائية
agreement	اتفاق
the parties	الاطراف
states differences	خلاف الدول
acceptability	قبول
demands	طلبات
spirit	روح
mutual accommodation	المجاملة المتبادلة
conducted	تقود ، تسير
process	عملية أو دعوى قضائية
convence	يجمع معا
opposing views	وجهات النظر المتعارضة
situation	موقف
elucidate	يوضح ـ يجلى
facts	حقائق
a report	تقرير
binding	ملزم

In general, generally عمومـــــا	refered to يلجأ الـــــــــى (طلبــــا للمشـــورة)
negociation تفـــــاوض	task مهمـــــة
good offices المساعى الحميدة	elements عناصـــــر
questions of law مسائل القانـــــون – المسائل القانونية	terms شروط – طرق – أســاليب
submit to يخضـع لـــــ	preferred means وســـيلة مفضلـــــة
Permanent tribunal محكمـــة دائمــــــة	available يمكن استخدامهــا
the general rules of law القواعد العامة للقانـــــون	appropriate مناسب – ملائـــم
especially خصوصــا	cases قضايــــا
forms أشكـــــال	resorte to يلجأ الــــى
the world-today عالم اليوم	prior to سابـــق علـــــى
Definition تعريـــــف	even after حتـــى بعـــد
voluntarily اختيـــارى	compromise اتفـــاق
award حكم قضـائى	Alternatively بديـــــل
origin أصـــــل	seeking for باحثين عـــــن

pre-Islamic Societies
مجتمعات ماقبل الاســـــلام

mentioned ... ذكـــــــرت

rapid expansion توسع سريع

modern world العالم الحديث

particulary خاصـــــة

transnational disputes
منازعات دولية ـــ منازعات عبر الدول

Fields مجـالات

in this respect فى حـــــد الخصـــــوص

business اعمال تجاريــــــــة

growth نمـــــــو

enforcement تقوية ـ تدعيم

advantages مزايـــا

disadvantages عيوب ـ مسالب

approach تصور ـ منهج

unfamiliar غير مألـــــوف

advisor مشرف ـ مستشــــار

purpose غـــرض

intervention تدخــــل

neutral محايــــــد

ensure يؤكـــــد

unlike بخـــلاف

madiator وســـيط

conciliator موفـــــق

conciliation panel جهـاز توفيــــق

formulate. يصيــغ

a fair compromise اتفـاق عـــــادل

binding decision قرار ملزم

binding manner شكـــل ملزم

recourse to لجـــوء الـــــى

Litigation قضـــــاء

national courts محاكم وطنيــة

competent مختص ، ذو كفاءة

misunders-tanding سوء فهـــم

costs تكاليـــــف

translation ترجمــــــة

fear خائـــف

jurisdiction اختصاص قضائــــى

above أعلى ـ عالية ـ سابق

attractive جـــذاب

Opportunity فرصـــــة

arbitral tribunal محكمة تحكيم

impartial محايـــــد

voluntary compliance تنفيذ اختيـــارى

Flexible مـــرن

procedual rules قواعـد اجرائيـة

confidential ســـرى

expensive غـال ـ مكـــلف

lack نقــص

expert خبيـــــر

expertise خبـــره

practice ممارســـة

delays تأخيــــر

forum مجلس ـ نظـــاء

required يتطلــــب

local counsel مجلــس استشــارى محلــى

opponent ...... خصـــم

details تفاصيـــل

considerations اعتبارات

contractual nature طبيعـــة تعاقديـــة

special skill مهـــارة خاصـــة

disciplines أســاليب

sensibly موضوعية ـ حساسية

Fees	رســـوم	combined with	تتفق مــع
hire	يوءجـــــر	Speedy end	نهاية سريعـــــة
facilities	تسهيلات	adaptable	قابل للتكيـــف
conclusion	خاتمـــــة	private	خـــــاص
complex issues	مشاكل أو مسائل معقـــدة	desire	رغبــــة
initiatves	مبـــادرات	salary	تحـــر
privitzation	تخصيـــص	arbotrator	محكـــم
amounts	مبالـــــغ	instead of	بــــدلا من
efficiency	كفـــاءة	bear	يتحمـــل
mitigated	يخفـف	overcome	يتغلب على – يفـوق

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QUESTIONS :-

1 - What are the legal disputes ?

2 - What are the political disputes ?

3 - Mention the diffrent kinds of disputes ?

4 - What are the two groups for the settlement of disputes ?

5 - Define the Diplomatic procedures of settlement of disputes ?

6 - Define the negeciation as a means of settling states differences ?

7 - What is the process of Good offices ?

8 - What is the process of Mediation ?

9 - What is the process of Inquiry ?

10- What is the process of conciliation ?

11- What are the Adjudicative procedures of settlement of disputes ?

12- What does judicial settlement mean ?

CHAPTER IV

الموضـــوع الرابـــع

The Egyptian Judicial System

The judicial system in the Arab Republic of Egypt is branches into :-

a- The Supreme Constitutional court .

b- The judiciary .

c- The Administrative Judiciary (Conseil d'Etat).

d- The Department of State Solicitors .

e- The Administrative prosecution .

All members of the judicial system are officials, and are selected from law graduates of the various universities of the Republic, and members of the Bar .

The judicial system is independent . All matters concerning the appointment and promotion or otherwise of its members are settled by the

" Supreme Council for the Judiciary " , which is composed of the president of the Court of Cassaation , as chairman , three deputy president of this court , three presidents of courts of appeal, and the procurator general .

a - The Supreme Constitutional Court :

This court has jurisdiction over the following matters :-

1 - The control of the constitutionality of laws and regulations .
2 - The interpretation of any text of law .
3 - The adjudication of cases of conflict of juriadiction between the juditial jurisdiction and other jurisdictions such as the administrative jurisdiction .

b - The judiciary :-

The judiciary contains the different courts and the public prosecution .

There are many courts to cover the wide territory of the Republic . The courts are divided into four categories, and each court comprises criminal and civil divisions .

Criminal divisions try criminal cases referred to them by the public prosecution .

Civil divisions hear litigations in civil, commercial, tax and personal status matters .

The categories of the courts are :

a- The court of cassation.

b- Courts of Appeal .

c- Primary Tribunals .

d- Summary Tribunals .

As for the public prosecution, it is headed by procurator General and consists of a large number of attorneys .

Criminal investigations are carried out by the public prosecution with the aid of the

police who acts under the supervision and direction of the public prosecution .

At the close of the investigation, the public prosecution may decide to prosecute or sustain the prosecution of the accused .

c- The Administrative Judiciary :-

The administrative judiciary in the Arab Republic of Egypt was established in 1946, it is divided into two divisions .

1- The section for regal advice and legislation .

2- The judicial section .

The first section acts as legal counsel for the different branches of the adminstration .

The judicial section consists of :

1 The supreme Administrative Court.

2 the court o administrative judicature.

3 The Department of State Commissioners .

The court of administrative judicature has jurisdiction concerning administrative litigations , such as : complaints relating to the salaries , pensions and compensation of government employers , requests brought by public employees for the annullment of final decisions of disciplinary authorities, requests by employees for the annullment of final administrative decisions , etc .

Judgements rendered by the court of administrative judicature are subject to appeal before the supreme administrative court .

Cases which fall within the competence of these two courts are first prepared by the department of state commissioners .

d- The Department of State Solicitors :-

This department represents the state before the courts in all cases, it has branches in various parts of the Republic .

e- The Adminstrative Prosecution :

Its function is to undertrke the necessary supervision and investigations to detect any administrative or financial offences. It also investigates complaints referred to it by official departments concerning the infranctions of carelesness in carrying out duty .

معانـــى المصطلحـــات والكلمـــات

The Egyptian Judicial Systems النظام القضائى المصـــرى

The Supreme Constitutional Court المحكمة الدستورية العليـــا

The Judiciary .... القضـــاء

The Administrative Judiciary Conseil d'Etat القضـــاء الادارى ، مجلس الدولـــة

The Department of State Solicitors هيئة قضايا الدولة

The Administration Prosecution النيابة الاداريـــة

Cradnates .... خريجيـــن

Members of the Bar .... المحامـــون

Appointment .... تعييـــن

Promotion .... ترقيـــة

Supreme Council of the Judiciary المجلس الاعلى للقضاء

Court of Cassation .... محكمة النقض

Courts of appeal .... محاكم الاستئناف

Procurator General .... النائب العام

Regulations .... اللوائح

Jurisdiction .... اختصاص قضائي

Interpretation .... تفسير

Adjudication .... الفصل ـ الحكم ـ البت

Refer .... يحيل

Public Prosecution .... النيابة العامة

Litigation .... دعاوى

Primary tribunal .... محكمة ابتدائية

Summary tribunal .... محكمة جزئية

Investigation .... تحقيق

Annullment .... الغاء ـ ابطال

Disolinary .... تأديبي

Prosecute .... يواصل الادعاء

Sustain .... يحفظ ـ يوقف ـ يعضد

Complaint .... شكوى

Compensation .... تعويـــض

Salary .... مرتـــب

Pensions .... معاشــــات

Relating .... متعلــــق

Section for legal advice and legislation
قســم الفتــوى والتشريـــع

Supreme Adminstative court المحكمة الادارية العليـــا

Department of State Commissioners هيئة مفوضى الدولـــة

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QUESTIONS :-

1 - What are the branches of the Egyptian judicial system ?

2 - How are members of judicial system selected?

3 - Define the authority and responspiblity of the supreme council for the judiciar ?

4 - Define the quality and members of the supreme council for the judiciary ?

5 - What is the jurisdiction of the supreme constitutional court ?

6 - What is the jurisdiction of the judiciary?

7 - What is the jurisdiction of the administrative judiciary ? What are its two divisions?

8 - What does the department of state solicitors represnt ?

9 - What is the function of the administrative prosecution ?

10 - What are the different courts of the judiciary ?

11 - What are the functions of public prosecution ?

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CHAPTER VI

CONTRACTS

The term coneract is used to denote three different kinds :

1 - The series of acts of the parties expressing their assent .

2 - A physical document executed by the parties as evidence of their having performed the necessing their intentions .

3 - The legal relations resulting from the acts of the parties , including the regulation of right in one party and duty in the other.

Definition : A contract is an agreement enforced at law .

A - Classifications of contracts :

Contracts may be classified in several ways:

I - Formal and Informal Contract :

- A Formal Contract : is one , which its legal operation is dependent upon the form in which it is made .

- An informal contract : is one which its legal operation does not depend upon the form in which it is made .

- A contract under deal is a formal contract when it is expressed in a writing which is sealed and delivered by the promisor.

II - Unilateral and Bilateral Contracts :

- A unilateral Contract consists of a promise or groupe of promises made by one of the contracting parties only .

- A bilateral contract consists of mutual promises , made in exchange for each other by each of the two contracting parties .

B - Requirements for formation of a contract :-

For the formation of a contract , law requires :-

1 - A legal capacity .

2 - A manifestation of assent by the parties who form the contract .

The mainfestation of mutual assent may be made by written or spoken words or by other acts or conduct. It takes the form of an offer by one party and an acceptance by the other party .

OFFER : An offer may be made to a specified person or persons. or it may be made to the public .

An offer can be terminated by :-

1) - rejection by the offeree

2) - revocation by the offeror

3) - the offeror's death or such insanity as deprives him of legal capacity to enter into the proposed contract .

Where an offer is terminated in one of these ways a contract cannot be created by subsequent (next) acceptance .

Acceptance :

acceptance of an offer is an expression of assent to the terms made and presented by the offeror .

A reply to an offer which adds quelifications of requires performance of conditions . is not an acceptance but is a counter-offer .

C - Breach of Contract :

A breach of contract is a non-performnce without justification of any contractual duty.

A breach may be total or partial .

Remedies for breach of contract are :-

1) damages , meaning a sum of money awarded as compensation for injury caused by a breach of contract .

2) restitution . meaning the restoration of a specific thing .

3) Specific performance . meaning the rendering of a promised performance .

Damages will be given for the net amount of the losses caused and gains prevented by the defendant's breach .

Damages are not recoverable for harm that the plaintiff should have fore seen and could have avoided by reasonable effort .

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VOCABULARY , EXPRESSIONS

AND TERMINOLOGIES

contract عقـــد	Classifications of contracts تقسيمات العقـــود
term اصطـــلاح	formal contract عقـــد شكلـــى
terms شـــروط	informal contract عقد غيـر شـكلى
denote يـــدل علـــى	legal operation فاعلية القانونيـــة
series سلسلـــة	contract under seal عقـــد مختـــوم
acts افعـــال	Unilateral contract عقد ملزم لجانب واحـــد
parties أطـــراف	bilateral contract عقد ملزم للجانبيـــن
assent رضا ــ موافقـــة	contractor متعاقـــد
physical document وثيقـــة ماديـــه	promise التزام ــ تعهـــد
executed by تعقد بواسطـــة	promisor متعهد ــ مديـــن
evidence دليـــل	

promisee متعهد له ـ دائـــن

plaintiff مدعـــــى

defendant مدعـــى عليــــه

delivered يســـــلم

in exchange متبادله ـ التبادل

Requirements متطلبـــــا (شـــــروط)

formation تكوين (انعقاد)

legal capacity أهليــة قانونية

manifestation تعبير ـ اظهار

mutual assent الرضاء المتبادل

conduct ســـــلوك

offer ايجـــاب

defective performance تنفيــذ معيب

reply رد ـ اجابـــــة

performed يقوم ـ ينجــز

performance الانجاز ـ الاداء ـ العمـــــل

expressing يعبر عــــــن

intentions نوايــــــا

Good faith حسن النيـــــــة

regulation ترتيـــب

enforced at law يستند (يتدعم) الى القانون

implied promise تعهد ضمنـــى

offeror موجـــب

offeree موجب لـــه

terminated يسقط أو ينتهـــى

rejection رفـــض

revocation الرجـــــوع

in sanity جنـــــون

English	Arabic
deprives	يفقد – يحرم
proposed contract	عقد مقترح
subsequent	لاحق – تالي
subsequent acceptance	قبول لاحق
acceptance	قبول
damages	تعويضات
compensation	تعويض – جبر
restitution	رد – استرداد
restoration	رد – استرداد
rendering	القيام بـ " تنفيذ "
losses	خسائر
Harm	ضرر
reasonable effort	جهد معقول
creditor	دائن
obligee	دائن
qualifications	تحفظات
conditions	شروط
counter-offer	ايجاب مضاد
Breach of contract	الاخلال بالعقد
non-performance	عدم تنفيذ
contractual duty	واجب تعاقدي
total or partial	كلي أو جزئي
remedies	جزاءات
awarder	منحه
injury	ضرر
sepecific	محدد – معين
specific performance	تنفيذ عيني
net amount	مبلغ أو مقدار صافي
gains	مكاسب
recover	يحصل – يسترجع

impossibility	استحالـــــة	joint promise	تعهـــد مشتـــرك
power of attorney	وكالة	debtor	مديـــن
insurance	تأميـــــن	obligor	مديـــن
		forberance	امتنـــاع

QUESTIONS
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1 - What is the definition of a contract ?

2 - What are the different kinds which the term contract is used to denote ?

3 - What is a formal contract ?

4 - What is an informal contract ?

5 - When is a contract under seal become contract?

6 - What does a unilateral contract consist of ?

7 - What does a bilateral contract consist of ?

8 - What does law require for the formation of a contract ?

9 - How may the manifestation of mutual assent be made ?

10 - How may an offer be made ?

11 - How can an offer be terminated ?

12 - What is acceptance of an offer ?

13 - What is a counter-offer

14 - What is a breach of contract ?

15 - What are the remedies for breach of contract ?

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PART II

ECONOMIC PASSAGES

ECONOMIC TERMINOLOGIES

Chapter I

THE NATURE AND FUNCTIONS OF MONEY

There is no daubt that money is the most important economic instrument in the modern economy .
It is difficult to imagine the existence of economic activities without money . Therefore, all the modern economic systems become completely monetary economics .

I - THE NATURE OF MONEY

Economic life revolves around the production of goods and services . Goods and Services in a modern economic system are exchanged, because no individual , or a country , could be economically self-sufficient in everyting . Consquently, if people are not self-sufficient so far as their economic needs are concerned, exchange becomes a necessary process. People

must obtain the goods which they do not them selves produce by offering in exchange the commodities in the production of which they have been specialised .

In this way they obtain not only the gains arising from specialization but also the gains possible through exchange itself.

The process of exchange is necessary in order to exchange goods for goods . In real life , however , people not often do this . A producer exchange his output not for goods but for money and when he obtains goods from other people, he does it by offering money for them , not goods he has produced .

In other words , an extra stage is intr- duced into the process . Instead of exchange ing goods for goods :- a proces which is called barter , people exchange their goods for money , and then exchange the money for

the goods they want ,

It is clear , that many of the essential characteristics of a highly-ceveloped economic system : - division of labour , large scale production in advance of demand, wide spread exchange , and the accumulation of capital- are intimately linked with the use of money . Indeed without money to facilitate exchange , production , and saving it would be impossible for an economy to develope beyond the primitive level which survives in comnunties still conducting their economic affairs on a barter basis .

II- THE FUNCTIONS OF MONEY

In general , we can summarise the main **functions of** money in the three following funtions :-

1 - **Money as a medium of exchange .**

2 - **Money as a measure of value .**

3 - **Money as a store of wealth .**

I - **Money as a medium of exchange :**

The most important function , and vital role played by money in economic life , is that of a medium of exchange .

It permits the separation of exchange intc the two distinct acts of buying and selling , without requiring that the seller should purchase goods from the person who buys his product,or vice versa .Hence producers are enabled to concentrate on finding the most suitable outlet for their goods , while buyers can concentrate on finding the cheapest market for the things they wish to purchase . Specialization is encouraged , because people whose output is not a complete commodity but an intengible contribution to the manufacture of one in which many others are involved can be paid an amount equivalent

to their share of the product , and can use this money income to purchase , whatever they wish .

2 - Money as a measure of value :

Another function of money is to act as a measure of value that is , it serves as a unit in terms of which the relative values of different commodities can be expressed. In a barter economy , it would be difficult, to determine how many kilogrammes of orange were worth one kilogramme of meat, or how many pens or books shouldbe exchanged for a ton of cotton. The process of establishing relative values would have to be undertaken for every act of exchange , according to whatever commodities were being offered against one another , and according to the particular persons entering into the exchange .

3 - Money as a store of wealth :-

A third, and related , function of money is that of acting as a store of wealth.. It is difficult to invisage saving occuring under a barter system . Obivously there would be no way in which persons rendering services could set aside some of their output to meat possible emergencies in the future , Nor could anyone engaged on only one stage in the production of a commodity save part of his output, since he would be producing nothing tangible. Even when a person actually produced a complete commodity , he well be find many and great difficulties .

Most commodities deteriorate rapidly either physically or in value , as a result of long storage . Even if storage were possible, the practice of storing commodities for years would involve obvious disadvantages. Yet if wealth cannot be set aside , or can accumulated

only with great difficulty. How can future contingencies be provided for , or capital formation undertaken so as to raise productivity .

The use of money disposes of these difficulties : instead of having to store physical commodities . A producer can set as de sume of money which can be used in the future for whatever purposes he choses .
Without money , debts could be incurred only in terms of specific commodities; the modern system of financing capital accumulation from funds derived from a large number of different people and institutions would be impossible .

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VOCABULARY, EXPRESSIONS AND TERNINOLOGIES

nature of money	طبيعـــــة النقـــود
functions of money	وظائــــف النقـــود
instrument	أداه ـ وســـــيلة
modern economy	الاقتصـــــاد الحديـــث
existence	وجــــــــود
economic activities	النشـــاطات الاقتصاديـــــــــة
modern economic systems	النظم الاقتصاديـــة الحديثـــة
monetary economics	اقتصاديـــات نقديـــــة
necessary process	عمليـــة ضروريـــــة
specialization	تخصــــــص
division of labour	تقســـــيم العمـــــل
in this way	بهـــذه الطريقـــــة
arising from	تنبـــع من / تنتج مــــن
not often = seldom	ليس دائما ـ نــــادرا

economic life	الحيـــاة الاقتصاديـــة
revolves around	يـــدور حـــول
production	انتـــاج
goods	ســـلع
commodities	ســـلع
services	خدمـــات
seif - sufficient	اكتفاء ذاتي ـ مكتف ـ ذاتيـــا
consequently	مـــن ثـــم
demand	طلـــب
offering	تقديـــم
supply	عـــرض
gains	مكاســـب
real life	الحيـــاة الواقعيـــة
exchange	تبـــادل
outout	ناتج ـ مخـــرج
instead of	بـــدلا مـــن
characteristics	خصائـــص
wide spread	نشـــر متوســـع
intimately linked	مرتبطـــة بقـــوة ـ ارتباط وثيـــق
facilitate	يسهـــل
beyond	فيمـــا وراء
surives	يعيش ـ يستمـــر

extra stage	مرحلة متقدمة
barter	مقايضة
large scale	نطاق كبير / حجم كبير
accumulation of capital	تراكم رأس المال
saving	ادخار
investment	استثمار
primitive level	مستوى بدائي
communties	مجتمعات
money as a medium of exchange	النقود كوسيط للتبا للتبادل
money as a measure of value	النقود كمقياس للقيمة
money as a store of wealth	النقود كمخزن للثروة "للقيمة"
purchase	يشترى
hence	لذلك
concentrate	يركز
cheapest	الأرخص
intengible	ملموس

conducting	يقود
permits	يسمح
separation	فصل
distinct	متميز
buying	شراء
selling	بيع
requiring	يتطلب
vice versa	العكس بالعكس
enable	يتمكن – يقدر
outlet	منفذ – مخرج " تصريف "
outputs	مخرجات . نواتج
inputs	مدخلات – عناصر انتاج
manufacture	يصنع – صنع
share	يساهم – نصيب
relative values	القيم النسبية
to be undertaken	تؤخذ في الاعتبار
obivously	من الواضح
rendering	يقدمون
deteriorate	يتدهور
in value	قيمة
involve	يؤدي الى – يترتب عليه ...

contribution	مساهمـــــة
equivalent	مســـاو ـ معـــادل
unit	وحــــــدة
in terms of	بمقتضاهـــــا ـ طبقـــا لها ـ بوحداتهـــــا
occuring	المتحـــقق
invisage	تتصـــــور
set aside	يضـــع جانبـــا
physcially	ماديــــــا
storage	تخزيـــــن
accumulated	يتـــراكـــــم
productivity	انتاجيـــــة
instead of	بـــدلا مـــــن
incurred	تتحقـــق ـ يكـــون السـبب
funds	مبالـــغ ـ " صناديـــق " .
international monetary fund	صندوق النقد الدولى

contingencies	الطوارئ
disposes of	يتخلص من - يتجنب
debts	ديون
financing	تمويل
derived from	تنبع من
institutions	نظم .

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QUESTIONS

1 - How do you mentioned the imoprtance of money in the modern economy ?
- or; what is the importance of money in the modern economy ?

2 - Why did goods and services are exchanged?

3 - How do people obtain the goods which they do not themselves produce ?

4 - Why do the process of exchange is necessary?

5 - What is a bartc. ?

6 - What are the gains of specialization in production ?

7.- How can we use money in the process of exchange ?

8 - What are the main functions of money ?

9 - Explain the function of money as a medium of exchange ?

10 - Explain the function of money as a measure of value ?

11 - Explain the function of money as a store of wealth ?

12 - In what ways could we say that money is an aid to saving and to capital formation ?

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CHAPTER II

BANKS IN A MODERN ECONOMY

We will treat banks in two passages (Subjects)

1 - Commercial banks , specialised banks .

2 - Islamic banks and Financial institutions.

I - Commercial Banks , and Specialised Banks

There are many types of banks : Commercial land , industrial, cooperative , investment and estate or buding banks ; each type of them specialised in certain activities .

A - Commercial Banks

Commercial Banks are most known . Its are the most important financial , monetary , and

and banker institutions . Bank ". in a word " borrow to lend. in other way Bank in a simple words . is the place in which money is kept and paid out on demand .

The main elements of the budget of the bank consists essentially of deoosuts , and many kinds of accounts. and these may be contained the following : Fixed deposits . Savings bank deposits. Current and an open account or overdraft .

Functions of Commercial Banks :

A modern bank performs some very important functions in the economic system . These functions may be summed up in the phrase :"Banks borrow to lend". The form of borrowing which banks do is that of deposits . In general the main functions of Banks are :-

1 - Safe institutions for guarding private savings .

2 - Collection of personal savings .

3 - Giving loans for various purposes .

4 - Chaques or other instruments of credit are better substitutes for money .

5 - Advancing loans ot enterprises and individual entrepreneurs, and productives activities .

6 - Discounting of merchants bills .

In addition to the above functions Banks presents other minor services according to the principle : it is usfel to be saver and borrower these are :-

1 - Guarding and safing deposits of valuables.

2 - Services to help travellers cheques and services to tourists .

3 - Mangement of customers investments.

4 - Presnting trustee services .

5 - Payment of customer,s liabilities and collection of dividends .

B - Specialised Banks :

There are many kinds of specialised Banks susch as :- Agricultural , Land or estate , industrial , and cooperative Banks.

1 - Agricultural Banks :-

Its main tasks is to help farmers - they give loans needed for any stage of agricultural production such as :- Harvesting , marketing fertilization and land development etc.

2 - Land or Estate Banks :-

Its main tasks is to give loans to people who need further capital for buldings or to make extensions in existing buildings .

3 - Industrial Banks :-

These banks represents a great aid to economic development : They give loans to

small industries to help their entrepreneurs in acquiring necessary plants (machines) and raw materials, and possibly to meet demands for working capital .

4 - Cooperative Banks :-

Its task is usually to help various types of Cooperative enterprise - giving credit for cooperative farming activities , artisans .... etc . thus greatly increasing their productive potentialities .

Finally , indeed the flourishing and wide spread of Banking systen is a sign of a mature or developed economy . While a backward or poor banking system is one of the chief features of underdevelopment .

II - ISLAMIC BANKS AND FINANCIAL INSTITUTIONS

(1) Islamic Banks and financial institutions system found its way to practical application in modern times at the begining of the late twenty years . though some experiences had preceded it .

In this respect, it is worth saying that the idea of establishing islamic banks streches back to the early ages of Islamic teachings which prohibited the dealings in Raba (Interest) . Within the frame of these rules , the wishes of Moslems all over the world are centered towards achieving the purification of money dealings since a very long time .

This era began with establishing Nasser Social Bank in Egypt , then the Islamic development bank - jeddah which are followed

by faisal Islamic bank of Egypt which in turn opened the door for the trend of Islamic banks and financial institutions to grow and prosper .

The concepts and functions of Islamic banks and financial institutions differ completely from that in traditional commercial banks and institutions .

The object of Islamic Banks and Financial Institutions is to perform all banking. financing, commercial and investment operations and to establish and participate in industrial, economic, social development and urbanization projects either locally or abroad in accordance with the basic principles and rules of Islamic Sharia, Particularly as related to the forbiding of Riba " usury " and the paying of the religiously imposed Zakat.

2) Islamic Banks and Financial Institutions are also and mainly Socio-Econo,ic Institutions.

As the Islamic Bank's chief concern is with achieving economic development in the Moslem society .

In this respect , Islamic endeavour to achieve social deveopment and solidarity (takaful) either through their banking dealings and practices or the Zakat Funds to which the legitimately due Zakat are paid .

3)) Furthermore Islamic banks appropriate certain amounts from their funds to be granted as Kard Hassan (Benevolent Loan) to families and officially declared national societies for social purposes and not for commercial or economic purposes .

Means and Method of Employment and Investment of Funds in Islamic Banks :-

Foremost amongst which are :-

1 - Finance Through Musharakah :-

One of the most important Islamic alternatives to the interest bearing loans system now in force in commercial banks , is the Musharaka system which is based on the principle of partnership between the bank and its customers in commercial , Industrial or Agricultural operations or artisan activities .

The two partners share in the return on all Musharakah operations which depend on the actual outcome of such operations whatever it may be profit or loss ,

The profits are divided according to the terms of the original Musharakah contract agreed

upon which provides for a fixed percentage of the net profit in retribution for management and labour , and the remaining profit is distributed according to the share of each partner in the capital .

2) Mudarabah :

Mudarabah is based on the principle of bringing together the capital , on the part of the capital owner, and know-how and labour on the part of the Mudareb (Labour Partner).

The Mudareb employs and invests the capital within framework agreed upon with the capital owner in the legitivate fields of activity in according with the principles of Islamic Shari'a.

The Allah given profit shall be divided between the two partners according to a pre-determined and agreed upon percentage that has been pre-publicized .

As for loss , it shall be borne by the capital owner entirely unless it is proved that the Mudareb was neglectful.

3 - **Murabaha Sale :**

Murabaha is one of the Islamic legitimate forms of sales whereby the client requests the bank to purchase a certain commodity in his favour , defining all its specifications and require required dates of delivery .

Then , the bank starts, on its part , studyi[illegible] the proposal arranging for the purchase of the said commodity from different markets , defining the total cost , and evalutating it according to its purchase price and all the related custom dues and expenses .

The two parties agree-upon a certain percentage of profit to be added to the total cost for reaching the sale price .

The two parties also agree upon the place and conditions of delivery of the sold commodity , and the terms of payment to the bank .

Dealing with local and foreign commercial banks:

It is only natural that there should be dealings between Islamic Banks and other commercial banks whether locally or internationally, by means of opening current accounts for clearing and settling cheques , warrants for payment and bank mony orders based on the condition that these dealing must be free from any kind of interest practices .

Traditional Banking Services :

Islamic Banks carry out the usual banking services such as :
opeining accounts, all types of documentary credits , foreign exchange operations,transfers leasing private lockers to their clients,safekeeping of valuables,investment trustees activities , ... etc .

VOCABULARY , EXPRESSIONS AND TERMINOLOGIES.

Banks	بنـــوك – مصـــارف
commercial banks	البنـــوك التجاريـــــة
specialised banks	بنـــوك متخصصـــــة
industrial banks	بنـــوك صناعيـــــة
cooperative banks	بنـــوك تعاونيـــــة
estate banks	بنـــوك عقاريـــــة
borrow to lend	تقـرض لتقـرض
kept and paid out	تحفـــظ وتدفـــــع
deposits	ودائـــــع
fixed deposits	ودائـــع ثابتـــــة
saving deposits	ودائـــع ادخاريـــــة
overdraft	سحب علـــى المكشـــوف
summed up in	تتلخص فـــى – تتجمـــع فـــى
safe institations	منظمات آمنه – مأمونه لحفظ أو خزن ..
private davings	ادخارات خاصـــــة
personal savings	ادخارات شخصيـــــة
terms of payment	شـــروط الدفـــــع
various purposes	أغـــراض مختلفـــة
credit	ائتمـــان – اعتمـــاد

English	العربية
enterprises	مشروعات
productive activities	نشاطات انتاجية
merchants	تجار
minor services	خدمات أقل شأنا
valuables	ذات قيمة ـ الاشياء ذات القيمة
tourists	السائحين
tourisem	السياحة
trustee	خدمات سياحية
liabilities	مطلوبات ـ ديون
main tasks	مهام أساسية
harvesting	الحصاد
harvest	محصول
land development "	تنمية الارض الزراعية " زيادة انتاجيتها "
extensions	توسعات
small industries	صناعات صغيرة
plants	نباتات ، زراعات
plants	" تعني أيضا ـ آلات "
working capital	رأس المال العامل
artisans	الحرفيين ـ أصحاب الحرفية
potentialities	الامكانيات الاحتمالية المستقبلية "
sicn	علامة ـ دلالة ـ [illegible]
backward	متخلف

underdevelopment	تخلـــف
progress	تقـــدم
found its way	وجـدت طريقهـــا
practical application	التطبيــق العملــى
preceded	سبقت
it is worth saying	مايستحق القـــول
prohibited	حرمت ـ منعـــت
Riba = Usury	الربـــــا
Era	عصـر ـ زمن ـ عهـــد
Islamic development bank	بنك التنمية الاسلامـــى
Faisal Islamic bank	بنك فيصـل الاسلامـــى
differ completely	تختلـف كليـــة
participate	تساهـم ـ تشـــارك
transfers	تحويـلات
locally	محلـــى
in accordance with	بما يتفق مع ـ طبقا لـ ...
as related to	فيما يتعلـق بـــ
Religiously imposed Zakat	الزكاة المفروضة دينيـــا
endeavour	مسعى ، غرض ، محاولـــة
due	دين ، واجب مطلوب ، حق مستحق
granted	تمنح
finance through Musharakah	التمويل من خلال المشاركـــة

alternatives	بدائـــــل
actual outcome	الناتج الفعلي ـ النتيجة المتحققة فعـــلا
retribution	جزاء ـ مقابـــل
the capital owner	مالك رأس المـــال
legitimate fields	مجـــالات شرعيـــة
shall be born	يتحملهـــا
entirely	بالكامـــل ـ تمامـا ـ كليـــة
client	عميـــل
purchase	يشـــتري
specifications	خصائـــص محـــددة
the total cost	التكلفـــة الكليـــة
custom dues	ضرائب أو رسوم جمركيـــة
clearing cheques	تظهيـــر الشيكات
settling cheques	تسوية أو دفع الشيكـــات
Islamic banks	بنـــوك اسلاميـــة
financial institutions	منظمـــات ماليـــة
land or agricultural	بنوك زراعيـــة
investment banks	بنـــوك الاستثمـــار
bulding banks	بنـــوك الاسكـــان
on demand	عند الطلـــب
budget	ميزانيـــة

accounts	حسابـــات
current account	حســـاب جـــارى
open account	حســـاب مفتوح
performs	ينجــز ــ يؤدى
borrowing	اقتــــراض
guarding	حفظ ــ حراســـــة
collecting	تجميـــع ــ تحصيـــل
loans	قـــــروض
soid commodity	السلعـــة المباعـــــة
chaques	شيكـــات
substitutes	بدائـــــل
entrepreneurs	المنظميـــــن ... أصحاب المشروعات
Discounting	خصـــــم
Bills	كمبيــــالات
to be saver and borrower	يكون مدخر، ومقترض
travellers	المسافريـــــن
mangement	ادارة
customers	عمـــلاء ــ زبائـــــن
payment	دفـــــع
dividends	فوائد ــ حصص أسهـــــم
farmers	مزارعيـــن ــ فلاحيـــــن

marketing	تسويق
fertilization	تخصيب
further capital	رأس مال أكثر
economic development	تنمية اقتصادية
acquiring	الحصول على
machines	الالات
raw materials	مواد خام
farming activities	النشاطات الزراعية
increasing	زيادة
flourishing	ازدهار
mature	ناضج ـ مكتمل
features	ملامح ـ صفات
development , growth	تنمية ـ نمو
advancement	تقدم
late years	السنوات الاخيرة
the begining	بداية
in this respect	في هذا الخصوص
streches bank	ترجع الى الوراء
the dealings	التعامل
purification	تنقية ـ تطهير
Nasser Social bank	بنك ناصر الاجتماعي

trend	اتجـــــاه
which in turn	والذى بـــــدوره
operations	عمليــــات
urbanization	التحضــــر
leasing private lockers	تأجير خزائن خاصــــة
abroad	الخـــارج
basic principles	المبادىء الاساســـية
forbiding	منع ـ تحريــــم
socio-economic institutions	منظمات اجتماعيــــة اقتصاديــــة
solidarity (takaful)	تكافل ـ تضامــــن
appropriate	يملـــك
Benevolant loan	قـــرض حســـن
interest	فائـــدة
partnership	المشاركـــة ـ المساهمـــة
profit or loss	ربح أو خســـارة
Mudarabah	المضاربــــة
Know-how	فنون المعرفة " التكنولوجيـا "
framework	اطـــار
neglectful	مهمـــل
Murabaha sale	بيــع المرابحـــه
request	يطلــب
delivery	تســليم

markets	اســــواق
evaluating	تقييم ـ تحديد قيمة ـ تثمـيــــن
sale price	ثـــم البيـــــع
warrants	تفويض ـ ترخيص ـ توكيـــــل
documentary credits	الاعتمادات المستنديــــــة

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QUESTIONS

1 - What are the types of banks ?

2 - What are the importance of commercial bank ?

3 - What does the budget of the bank consists of ?

4 - What are the kinds of deposits ?

5 - What are the main functions of banks ?
(mention 3 only)

6 - What are the minor sevices which banks presente (mention 3 only) .

7 - What are the kinds of specialised Banks ?

8 - What are the main tasks of agricultural banks?

9 - What are the main tasks of land or estate banks ?

10 - What does the industrial banks represent?

11 - What is the task of cooperative banks ?

12 - How do the banking system reflect the situation of the economy ?

13 - When did Islamic banks system found its way to practical application ?

14 - What is the basic idea of (behind) establishing islamic banks

15 - What is the object of Islamic banks and financial institutions ?

16 - What are the means and methods of employment and investment of funds in Islamic banks (mintioned its only)

17 - What does Musharakah mean ?

18 - On what is mudarabah based ?

19 - What is murabaha sale ?

20 - How do Islamic banks dealing with local and foreign commercial banks ?

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Chapter III

INTERNATIONAL TRADE

" International Economic Relations"

Trade between different countries developed first where one could produce something desirable which others could not . International trade , therefore , owes its origin to the varying resources of different regions.

Mineral resources obviously can be extracted only where they are found . Coal nowadays is fined chiefly in the united states. Great Britain , Germany and Russia; iron chiefly in the U.S.A. , France , Sweden and Russia; Copper in Chile and Zambia . Most nickel comes from canada ; most gold from South Africa , and most Silver from Mexico .

Many commodities can be grown under particular climatic conditions or in certain soils.

Natural rubber is produced in south East Asia, and cofee is produced in Brazil , while the best tea in the world is procuced in India ,and China .

The inhabitants of a regions may develop special skills in the production of certain commodities which ,in time , may acquire a special reputation for quality . The world famous wines are produced in france ,the best watches in the world are the Swiss ones . By exchanging some of its own products for those of other regions , a country can enjoy a much wider range of commodities than would other wise be open to it .

A country's choice of the kinds of produtption in which to specialise will be determindc according to its advantages over others in the production of these things . If a country has the greatest advantage over others in the

production of woollen goods , then it will tend to specialise in the production of that commodity. Another country may specialise in the production of raw cotton. Such advantages arise because it can produce particular goods of a certain quality more cheaply than other countries .This is known as the principle of comparative costs or comparative advantage . This theory of international trade was first developed by Ricardo .

Comparative cost is considered in terms of what can be produced by a given quantity of productive resources-that is, " opportunity cost ". In one country 100 units of such resources may produce 150 tons of wheat, or 80 tons of vegetables. In the second country 100 units of productive resources may produce 100 tons of wheat, or 90 tons of vegetables .

The first country has the greater advantage over the other country in wheat production .

Let us carry this example a little further. If the first country (A) utilises 100 units for the production of wheat, and another 100 units for the production of vegetables, its total production of both commodities will be 150 tons of wheat , and 80 tons of vegetables. Similarly if country (B) utilises 200 tons of its resources for the production of both commodities in question, its total production will be 100 tons of wheat and 90 tons of vegatables.

But suppose now that country (A) specialises in the production of wheat, thus producing 300 tons by utilising 200 units of resources , while country (B) specialises in the production of vegetables . Thus producing 180 tons by the use of 200 units of resources .
Clearly , then the aggregate production of both countries will be 300 tons of wheat and 180 tons of vegetables , instead of 250 tons of wheat and 170 tons of vegetables in the case of non-specialization.

There is thus a net gain of 50 tons of wheat and 10 tons of vegetables which resulted from the simple adoption of the principle of specialization and the better use of resources .

Naturally , this gain will be reflected in the form of increased consumption when the two countries decide to exchange their respective products .

The benefits from international trade may be obvious in the case where one country can produce one commodity and not the other , but they are equally true and important in the cases where each country can produce commedity more cheaply than the other , or even when one country can produce both commodities more cheaply than the other.

The Terms of Trade

By terms of trade we mean the rate at which one country's products exchange for those of another. How much cotton will Egypt have to give sweden for one ton of iron , it will depend on the relative strength of the demand for cotton and the demand for iron (to use the expressions of the English economist : J.S.MILL); the demand for both commodities being in relation to their supply .

The terms of trade depend on the world prices of commodities entering into international trade . The terms of trade are said to be favourable to a country when the prices of its exports are high relatively to the prices of its imports.

In the period between the two world wars the terms of trade became more favourable to the industrial countries of Europe, because the world prices of primary products-raw materials and foods-staffs-fell more than the world prices of manufactured goods .

THE BALANCE OF PAYMENTS :

International trade gives rise to indebtendness between countries . A country requires payment for its exports, just as it may pay for its imports . The balance of payments shows the relation between a country's payments to other countries , and its receipts from them, and is thus a statement of income and expenditure on international account .

The chief payments are of course for goods-imports and exports..

Items in the balance of payments which relate to goods are known as " visible " items, and the relation between imports and exports is then known as the balance of trade . When a country has an excess of exports over imports , the balance of trade is said to be " Favourable " . In the opposite case , that

is when imports exceed exports the balance of trade is said to be " unfavourable ".

There are , however , may payments and receipts-apart from those for visible items which enter into a country's balance of payments, and those are known as " invisible items", often called " invisibel exports " in the case of receipts, and " invisible imports " in the case of payments. They arise chiefly as a result of services provided by one country for another and include such items as : shipping services, financial services, investments abroad expenditures of tourists, payments for the renting of foreign films, payments for treatment , education abroad ... and many others .

FOREIGN EXCHANGE :

Over most of the world , each country has its own local currency , and so it becomes necessary to arrange for the exchange of different currencies . Since international trade

means that people will have to settle debts in foreign countries .

People who import goods, or who in the past have borrowed money from abroad, have debts to pay to foreigners; and conversely , people who export goods or who have in the past lent money abroad are owed debts by foreigners .

When foreign loans are made, the laan it-self involves a payments to foreigners at the time it is made; but after that payments of interest and possibly the repayment of the loan require money to be transferred from the foreign country to the country making the loan . The value of a country's money is measured by the rate of exchange between his currency and the currency of another country . We can in fact , think of the exchange rate as the price of our currency in terms of poreign currency - a price

governed by supply and demand .

Foreigners naturally want to change other people's currency for their own local currency, and this they do in the foreign exchange market (generally through a bank* , and somtimes in the open market or black market) .

We can regard all payments due to country as the demand for its currency , and all payments due abroad as the supply of its currency. We can notice that we are referring to the balance of payments in a different way from that explained above .

If a country is only succeeding in balancing its accounts with the outside world by running into debt, this creates grave problems for its monetary system . If the demand for its money is less than the supply of its money, the rate of exchange can be maintained by borrowing to reduce the supply in foreigners hands.

But it may not be possible to maintain a given rate indefinitely .

Since an unf..ourable balance of payments will have harmful effects on country's economy - if it were to continue for a long time . During the past few years , nations have resorted to strict meansures of exchange control .

This simply means that the responsible authorities have to restrict the outflow of local currency abroad, by restricting all types of imports visible and invisible . While , at the same time , trying to manipulate or mobilise the incoming foreign currency so as to balance it with the value of imports, and thus succeed in avoiding an unfavourable balance of payments .

HOW CAN EGYPT PROMOTE THE EXPORT SECTOR OF HER ECONOMY .

The importance of the export sector for a developing country; need for having a favourable balance of trade: growing need for imports (consumer and producer goods) means the growing necessity to promote exports..

An unfavourable balance of payments is dangerous to the economy , and may lead to indebtendness ... etc and this can be met only by having a surplus in her balance of payments over a number of years .

A - VISIBLE EXPORTS :

We must increase exportable goods :-

1 - Agricultural products in which Egypt has comparative advantage , such as : cotton, onions, flowers , fruits .

2 - Manufactured food products such as : Vegetables , fruits and fruit juices,,

3 - Local handicraft articles of world fame , such as : Khan-El Khalili products ,leather goods ... etc

4 - Manufactured goods .

B - Invisible exports It contains the following points

1 - Encouraging tourism , buildibg hotels and giving foreign tourists advantages not found in other countries.

2 - Improving the services of the Suez canal for international shipping such as making projects to enable ships of greater tonnage to pass through the canal .

3 - Improving airport and sea-port services .

4 - Encouraging Egyptians working abroad to transfer their surplus earnings to their mother country - etc ......

C - The Import Policy : -

The effects of a " planned " and sound controlled import policy on the balance of payments, may be contain :-

1 - to discourage unnecessary expenditure abroad.

2 - to discourage importation of super luxury goods .

3 - to economise on expenditure by the government on diplomatic and other missions abroad.

4 - to restrict all imports for which there are adequate local substitutes .

5 - to encourage importation of capital goods to be used in the local export industries.

D - Other Trade Policies :-

1 - Making trade agreements with foreign countries which can grant an favourable terms .

2 - Opening up new export markets and expanding existing ones .

3 - Giving special attention to the Arab Countries ..... as a flourishing export market ..... , as we know that rich arab countries represent a huge consumer goods market because of their high incomes from oil royatitres .

4 - Diversification of exports and the extension of exports to various regions ,

5 - Studying Africa as an export market .

6 - Trade missions and trade exhibitions ....
..... etc ..... etc .....

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VOCABULARY EXPRESSIONS AND TERMINOLOGIES .

international trade	التجـــارة الدوليـــة
International economic relations	العلاقات الاقتصادية الدوليـــة
mined	يستخرج من المناجـــم
desirable	مرغـــوب فيـــه
coal	فحـــم
Germany	المانيـــا
Russia	روســـيا
iron	الحديـــد
gold and silver	الذهب والفضـــة
soils	تربـــه " زراعيـــة "
special skills	مهارات خاصـــة
acquire	تكســب - تحصـــل
Swiss	سويســـرا
wollen goods	سلع " منسوجات " صوفيـــة
more cheaply	اكثر رخصـــا
comparatove costs	النفقات المقارنة " النسبية "
Ricardo	ريكـــاردو " عالم اقتصاد شهير "
wheat	قمـــح

special reputation	سمعة خاصــــة
quality	الجـــودة
wider range	مرتبة أوســع ، أبعــد
raw wool	الصــوف الخــام
comparative advantages	المزايا المقارنة " النسبية "
theory	نظريـــة
opportunity cost	نفقــة الفرصــة البديلــة
vegetables	خضــروات
net gain	مكســب صافــى
naturally	من الطبيعــى
consumption	استهــلاك
terms of trade	شروط التجــارة ـ معدلات التبادل
English economist	اقتصــادى انجليــزى
to be favourable	فــى صالح ـ مواتيــه
imports	واردات
primary products	منتجات أوليــة
manufactured goods	سلع مصنعــة
indebtedness	علاقــات المديونيــة
payments	مدفوعــات
international account	حساب دولــى
expenditure	انفــاق
visible items	مكونــات منظورة (ملموســة)

conversely	بالعكـــــس
interest	فائـــــدة
transferred	تحـــــول
open market	ســوق مفتـــوح
succeeding	نجح فـــــى
creates	يخلـــق
maintained	يحافـــظ عليــــة
indefinitely	لانهائــــ ـــى
harmful effects	اثـار ضـــارة
strict measures	مقاييس صارمه ـ اجراءات صارمــــد
to restrict	تقيـــــد
manipulate	يعالج ـ يستخـــــدم
to promote	ينجح ، يرفـــع كفـــاءة
growing need	الحاجـــة المتزايــــدة
dangerous	خطيـــــر
can be met only	يمكن مواجهتهـــا فقـــط
visible exports	صـــادرات منظـــورة
invisible exports	صادرات غيـــر منظـــورة
handicraft articles	ســلع يدويـــــة
leather goods	سلــع جلديــــــة
international shipping	حركة السفن الدوليـــــــــة

greater tonnage	ذات الحمولات الكبيرة " اكبر قدر من الاطنان ".
sound controlled	رقابــــة جيـــــدة
discourage	عـــدم تشجيـــع
diplomatic missions	بعثـات دبلوماســـية
adequate	مناســب
capital goods	سلع رأسماليـــة
grant	يضمـــن
export markets	اســواق التصديـــر
huge market	ســوق ضخــم
diversification	تنويــــع
exchange control	الرقابة على الصرف " الرقابة على النقد "
Owes its origin	يرجـــع اصلهـــا
varying resources	الموارد المتنوعـــة
mineral resources	الموارد المنجميـــة
extracted	تستخــــرج
united states	الولايــــات المتحـــدة
U.S.A.	الولايات المتحـدة الامريكيـــة
Sweden	السويــــد
copper	النحـــــاس
nickel	النيكـــــل
climatic conditions	ظـــروف مناخيـــة
inhabitants	سكـــــان

the aggregate	حاصـــل جمــع ـ مجمـــوع
adoption	تطبيـــق
reflected in	تنعكـــس فـــى
benefits	فوائـــد ـ منافـــع
relative strength	قــوة نســـبية
the world prices	الاثمان " الاسعار " العالميـــــة
exports	صـــادرات
industrial countries	البلاد الصناعيـــــة
food stuffs	مواد غذائيـــــة
Balance of payments	ميزان المدفوعـــــات
receipts	متحصـــــلات
statement	قائمـــة ـ بيـــان
income	دخـــل ـ ايـــراد
items	مفــردات ـ أجزاء ـ مكونـــات
balance of trade	ميزان التجارة ـ الميزان التجـــارى
excess	زيـــادة
surplus	فائـــض
apart from	بخــلاف ـ بغيـــر
shipping services	خدمــات الســـفن
renting	تأجيـــــر
treatment	العـــــلاج
foreign exchange	الصرف الدولى " العملات الاجنبية "

unfavourable	فى غير صالح " غير مـوات "
opposite case	الحالـة العكسيـة
deficit	عجـز - نقـص
invisible items	مكونـات غيـر منظـورة
investments abroad	الاستثمارات بالخـارج
education	تعليـم
currency	عملـة
hard currency	عملـة صعبـة
involves	ينتج عنه ، يترتب عليـه - يؤدى
repayment	اعـادة دفـع
rate of exchange	سعر الصـرف
black market	سـوق سـوداء
outside world	العالـم الخارجـى
grave problems	مشاكـل خطيـرة
to reduce	يخفـض
borrowing	اقتـراض
resported to	لجـأت الـى
responsible authorities	سلطـات مسئولـة
out flow	تدفـق الـى الخـارج
mobilise	يعبـئ
export sector	قطـاع التصديـر
the growing necessity	الضـرورة المتزايـدة
lead to	تؤدى الى ، تقود الـى

ohions	بصل
flowers	زهور
fruit juices	عصائر الفاكهة
world fame	شهرة عالمية
inproving	تحسين
projects	مشاريع
surplus earnings	مكتسبات فائضة
mother country	البلد الام
import policy	سياسة الاستيراد
super luxury goods	سلع فاخرة جدا ـ كمالية جدا
local substitutes	بدائل محلية
trade agreements	اتفاقيات التجارة
rate of exchange	معدل الصرف (سعر الصرف)
expanding	توسع
oil royalities	عوائد بترول
extension	امتداد
trade exhibitions	معارض التجارة

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QUESTIONS

1 - How did trad between different cojntries develope ?

2 - What is the base for a country's choice of production in which to specialise ?

3 - Explain, shortly , the theory " principle " of comparative costs , or comparative advantage ?

4 - How can you show " explain " the benefits from international trade for each country ?

5 - What do we mean by terms of trade ?

6 - On what do the terms of trade depend ?

7 - When are the terms of trade said to be favourable to a country ?

8 - What does the balance of payments show ?

9 - When is the balance of trade said to be favourable ?

10 - When is the balance of trade said to be unfavourable?

11 - What does we mean by visible items and invisible items ?

12 - How do the value of a country's money ? measure ?

13 - What does the rate of exchange mean ?

14 - Why do countries apply means of exchange control ?

15 - How can you explain (in a simple sentences) the definition of exchange control ?

16 - Give examples of Egypt's visible and invisible exports ?

17 - What are the effects of a controlled import policy on the balance of payments? (mention 3 only) ?

18 - How can Egypt promote the export sector by the other trade policies (mention 3 only) .

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الترجمة العربية

الموضوع الأول

طبيعة ووظائف النقود

لاشك فى أن النقود تعتبر من أهم الادوات الاقتصادية والمالية ، وان كل النظم الاقتصادية (الاقتصاديات) أصبحت اقتصاديات نقديه ، ولايمكن تصور وجود أيه نشاطات اقتصادية (حياه اقتصاديه) بدون النقود ، وسوف نعرض لموضوعين :-

الأول : طبيعة النقود ، الثانى : وظائف النقود :

I - طبيعة النقود

تدور الحياة الاقتصادية حول انتاج السلع والخدمات. ويتم تبادل السلع والخدمات فى نظام اقتصادى حديث ، لانه لايستطيع فرد أو بلد (دوله) أن يكون اقتصاديا فى حالة اكتفاء ذاتى فى كل شىء .
ونتيجة لذلك ، فاذا كان الافراد " الناس " لايكونوا فى اكتفاء ذاتى ، واكثر من ذلك فان حاجاتهم الاقتصادية ملحه وضرورية ، فان التبادل يصبح عملية ضرورية .

لذلك يجب على الافراد أن يحصلوا على السلع التى لاينتجونها بأنفسهم بواسطة عرض السلع التى تخصصوا فى انتاجها عن طريق التبادل ، وبهذه الطريقة فانهم يحصلون ليس فقط على المكاسب الناتجة عن التخصص بل كذلك على المكاسب الناتجه والمترتبة على التبادل نفسه .

ان عملية التبادل ضرورية من أجل تبادل السلع مقابل السلع ، رغم ذلك فان الافراد لايفعلون ذلك دائما فى الحياة الفعلية ، حيث أن المنتج يبادل ناتجه ليس فى مقابل سلع ولكن فى مقابل نقود .

كما أنه حين يحصل على سلع من الافراد الآخرين فانه يفعل ذلك بتقديم النقود وليس السلع التى انتجها .

وفى كلمات أخرى فان مرحلة اضافية قد ادخلت فى العملية ، فبدلا من تبادل السلع مقابل السلع وهى تلك العملية التى نطلق عليها المقايضة ، فان الافراد يبادلون سلعهم فى مقابل النقود ، وحينئذ يبادلون (أو يقدمون) النقود مقابل السلع التى يحتاجون اليها .

II - وظائف النقود

هناك ثلاثة وظائف رئيسية للنقود وتتمثل فيما يلي :-

١ - النقود كوسيط للتبادل .

٢ - النقود كمقياس للقيمة .

٣ - النقود كمخزن أو اداة للثروة .

<u>١ - النقود كوسيط للتبادل :</u> وهى تمثل الوظيفة الاولى والحيوية التى تؤديها النقود فى الحياة الاقتصادية ، حيث تسمح بفصل المبادلة الى عمليتين متميزتين للبيع والشراء دون تطلب أن يلتزم البائع أن يشترى السلع من الشخص الذى يشترى منتجاته ، أو العكس ، وهكذا يتمكن البائعون أن ينصرفوا الى ايجاد أكثر وجوه التصريف ملاءمة لسلعهم ، فى حين ينصرف المشترون الى ايجاد أرخص الاسواق للاشياء التى يودون شرائها ، وهكذا يشجع التخصص ، لان الافراد الذين لايكون انتاجهم سلعا تامة الصنع ولكن مجرد اسهام غير ملموس فى انتاج سلعة يسهم فيها

كثيرون غيرهم يمكنهم أن يحصلوا على دخول متناسبة مع نصيبهم في الانتاج . ويمكنهم أن يستخدموا هذه النقود في شراء أي شيء يريدونه .

٢ ـ النقود كمقياس للقيم : تتمثل هذه الوظيفة في قيام النقود بقياس القيمة ، أي أنها تستخدم كوحدة يعبر في شكلها عن القيم النسبية لمختلف السلع . وفي اقتصاد المقايضة سيكون من الصعب ومما يستهلك الوقت أن نحدد كم عدد الكيلو جرامات من البرتقال التي تساوي كيلو جرام من اللحم ، أو عدد أقلام الحبر التي يجب أن تبادل في مقابل طن من القمح . وسيتعين التوصل الى القيم النسبية للاشياء في كل عملية من عمليات المبادلة بالنسبة لأي سلع تعرض في مقابل سلع أخرى . وبالنسبة للاشخاص المعينين الذين يدخلون في عمليات تبادل .

٣ ـ النقود مخزن أو أداة للثروة أو للقيم :

حيث من الصعب أن نتصور حدوث الادخار في ظل نظام المقايضة . ومن الواضح انه لن توجد وسيلة يتمكن فيها الاشخاص الذين يؤدون خدمات أن يستبقوا

جزءا من انتاجهم لمواجهة الظروف الطارئة فى المستقبل .
ولن يتاح لاى شخص يعمل فى مرحلة واحدة من مراحل
انتاج السلعة أن يدخر جزءا من انتاجه طالما
أنه لاينتج شيئا ملموسا .

وحتى لو كان الشخص ينتج سلعة كاملة فان
الصعوبات ستكون كبيرة للغاية فمعظم السلع تتلف
بسرعة سواء لمديا أو فى قيمتها ، كنتيجة للتخزين
الطويل ، وحتى لو كان التخزين ممكنا ، فان عملية
تخزين السلع لسنوات ستتضمن مساوئ واضحه .

واذا كان من غير الممكن ادخار الثروة ، أو كان
يمكنها أن تتراكم بصعوبة كبيرة ، فكيف يمكن للفرد أن
يحتاط للطوارئ فى المستقبل ، أو أن يتكون رأس المال
اللازم لزيادة الانتاجية .

ويمكن استخدام النقود من تجنب هذه المشكلات ، فبدلا
من الاضطرار لتخزين سلع لمديه فان المنتج يستطيع
أن يضم جانبا مبالغ من النقود التى يستخدمها فى المستقبل
لأية أغراض يختارها .

وبدون النقود ، فان الديون يمكن أن تتحقق فقط فى
شكل سلع معينة ، وسيكون من المستحيل اذن وجود النظام

الحديث لتمويل تكوين رأس المال من المبالغ الاتية من عدد كبير من الناس ومن المؤسسات .

الموضوع الثانى

البنوك فى الاقتصاد المعاصر

سوف نعالج البنوك فى موضوعين :-

١ - البنوك التجارية ، والبنوك المتخصصة .
٢ - البنوك الاسلامية والمنظمات المالية .

١ - البنوك التجارية والبنوك المتخصصة :-

توجد أنواع عديدة من البنوك: التجارية ، الزراعية ، الصناعية ، التعاونية ، الاستثمار ، والبنوك العقارية أو الاسكان ، وكل نوع منها يتخصص فى نشاطات محددة .

أ - البنوك التجارية : البنوك التجارية مرونة جدا ، وهى أهم المنظمات المالية ، النقدية ، والمصرفية . والبنك التجارى فى كلمة يقترض لكى يقرض ، وعبارة

أخرى فان البنك فى كلمات بسيطة هو المكان الذى تحفظ فيه النقود لتدفع عند الطلب . وتتكون العناصر الاساسية لميزانية البنك أساسا من الودائع ، وأنواع عديدة من الحسابات وتشمل ذلك مايلى :ـ ودائع ثابتة ، وودائع ادخارية ، حساب جارى ، وحساب مفتوح أو مكشوف .

وظائف البنوك التجارية : يؤدى البنك الحديث بعض الوظائف الهامة فى النظام الاقتصادى ، ويمكن جمع هذه الوظائف فى عبارة " البنوك تقترض لكى تقرض" وان شكل الاقتراض الذى تقوم به البنوك يتمثل فى الودائع ، وعموما فان الوظائف الرئيسية للبنوك :

١ ـ منظمات أمنه لحفظ المدخرات الخاصة .
٢ ـ تجميع المدخرات الفردية .
٣ ـ منح قروض لاغراض مختلفة .
٤ ـ اصدار شيكات والادوات الاخرى للاعتماد تعتبر بدائل للنقود .
٥ ـ تقديم القروض للمشروعات ، والمنظمين والنشاطات الانتاجية .
٦ ـ خصم الاوراق التجارية .

وبالاضافة لهذه الوظائف فان البنك يقدم خدمات أخرى أقل طبقا لمبدأ : أنه من المفيد أن تدخر وتقترض وهى :ـ

١ ـ حفظ وحراسة الودائع ذات القيمة .

٢ ـ خدمات لمساعدة المسافرين ، والشيكات السياحية .

٣ ـ ادارة استثمارات العملاء .

٤ ـ تقديم خدمات السياحة .

٥ ـ دفع ديون ومطلوبات العملاء وتحصيل الفوائد والحصص.

ب ـ البنوك المتخصصة :ـ

توجد أنواع عديدة من البنوك المتخصصة مثل :
الزراعية ، العقارية ، الصناعية ، والبنوك التعاونية .

١ ـ البنوك الزراعية : ان وظيفتها الاساسية هى مساعدة الفلاحين ، ومنحهم القروض التى يحتاجون اليها فى أى مرحلة للانتاج الزراعى مثل : الحصاد ، التسويق ، التخصيب ... وتنمية واصلاح الاراضى

٢ ـ البنوك العقارية : تتمثل مهامها الاساسية فى منح القروض للافراد الذين يحتاجون لأموال من أجل البناء أو التوسع فى الابنية القائمة .

٣ ـ البنوك الصناعية : تؤدى مساعدة كبرى للتنمية الاقتصادية ، حيث تمنح قروض للصناعات الصغيرة ،ومساعدة

أصحاب المشروعات للحصول على الالات الضرورية ،
والمواد الخام ، ومواجهة طلبات رأس المال العامل .

٤ ـ البنوك التعاونية : تتمثل وظيفتها عادة في
مساعدة المشروعات التعاونية المختلفة ، ومنح الائتمان
للمزارع التعاونية والنشاطات الزراعية ، والحرفيين
... ويؤدى الى الزيادة في امكانياتهم الانتاجية .

واخيرا ، فان الازدهار والانتشار الواسع للنظام
البنكي يعتبر علامة لنضج أو نمو الاقتصاد ، بينما أن
تخلف أو ضآلة النظام البنكي يعتبر أحد المعالم
الرئيسية للتخلف .

٢ ـ البنوك الاسلامية والمنظمات المالية

ان نظام البنوك الاسلامية والمنظمات المالية وجد طريقه
الى التطبيق العملي في الازمنة الحديثة في بداية السنوات
العشرين الاخيرة ، رغم أن بعض التجارب قد سبقت ذلك .
وفي هذا الخصوص ، فانه لمستحق القول أن فكرة اقامة
بنوك اسلامية ترجع الى العصور المبكرة للتعاليم
الدينية والتي حرمت التعامل في الربا (الفائدة) من خلال

اطـــار هذه القواعد • ان رغبات المسلمين فى جميع انحاء العالم تتمركـز فـى اتجـاه تحقيـق تنقيـة وتطهيـر التعامل بالنقـــود منذ وقت طويـــل جـدا •

وقد بدأ هـذا العـهد بتأسيس بنك ناصر الاجتماعى فى مصر ، ثـم بنك التنميـة الاسـلاميـــة ــ جده • ثـم تبع ذلك بنك فيصـل الاسـلامى بمصـر والذى أدى الى فتح الباب أمام تيار البنـــوك الاسـلا يـــة والمنظمات المالية لكـى تنمـو وتزدهـر •

ان مفاهيـــم ووظائف البنـوك الاسـلاميـة والمنظمات الماليـة تختلـف كليـــة عن البنوك التجارية التقليديـــة والمنظمات المالية •

أن هدف البنوك الاسـلامية والمنظمات المالية هو أداء كـــل العمليـات المصرفيـة ، المالية ، التجاريـــة ، والاستثماريـــة • ولكـى تقيـــم وتسـاهم فـى التنميـة الصناعيـة ، الاقتصاديـة ، والاجتماعيـة ، ومشروعـا ت التحضر سـواء محليا أو فى الخـــارج طبقـا للمبادئ والقواعد الاساسـية للشريعة الاسـلامية ، خاصـــة فيما يتعلق بمنـع أو تحريـــم الربـــا ، ودفع الزكـاة المفروضـــة دينيـــا • كمـــا أن البنـوك الاسـلامية والمنظمات المالية هـــى كذلك وأسـاسـا منظمات اجتماعيـة اقتصاديـــة •

وفـى هذا الخصـوص فان غرض وسعى البنوك الاسـلامية هـو تحقيـق التنمية الاجتماعية والتضامن (التكافل) سواء من خـــلال

التعامل المصرفي والممارسات بالنسبة لصناديق الزكاة والتي تستحق شرعا أن تدفع عنها الزكاة .

وفضلا عن ذلك فان البنوك الاسلامية تملك كميات معينه من النقود والتي يتم منحها كقرض حسن للعائلات والمؤسسات الوطنية المحددة رسميا للاغراض الاجتماعية وليست للاغراض التجارية أو الاقتصادية .

وسائل وطرق توظيف واستثمار الاموال في البنوك الاسلامية :

١ ـ التمويل من خلال المشاركة :ـ

احد أهم البدائل الاسلامية لنظام القروض المحملة بالفائدة والمطبق بالبنوك التجارية هي المشاركة والتي ترتكز على مبدأ المشاركة بين البنك وعملائه في العمليات والنشاطات التجارية والصناعية ، الزراعية ، والحرفية .
ويساهم الشريكان في عائد كل عمليات المشاركة والتي تعتمد على الناتج الفعلي لمثل هذه العمليات سواء كانت ربح أو خسارة . وتنقسم الارباح طبقا لشروط عقد المشاركة المتفق عليها والتي يتحدد فيها أيضا نسبة ثابته من الربح الصافي للادارة والعمل -
ويتم توزيع الربح المتبقي طبقا لنصيب كل مساهم في رأس المال .

٢ ـ المضاربـــة : ترتكـــز علـى مبدأ تجهيز أو احضـار رأس المـال على كاهل مالك رأس المـال كطرف والمعرفـة والعمل على جانب المضـارب (المساهم بالعمل) ـ ويقوم المضـارب بتوظيف واستثمار رأس المـال من خلال الاطـار المتفـق عليـه مع صاحب رأس المـال فـى المجالات الشرعية للنشـاط الاقتصـادى وطبقـا لمبادئ الشريعة الاسلامية . يتـم تقسـيم الربح المتحقـق بين الطرفيـن طبقا للنسبة السابـق تحديدهـا والمتفق عليها . . أما بالنســبة للخســارة فيتحمـل بها صاحب رأس المال بالكامـل الـم يثبت أن المضـارب كان مهمـلا .

٣ ـ بيـع المرابحـة : المرابحـة أحد الاشكال الشرعيـة للبيـع والتى عن طريقهـا يطلب العميل من البنك أن يشترى سلعـة معينة لصالحـة ، ويتم تحديد كل خصائـص هـذه السلعـة ، وتحديد تواريخ التسليم . وحينئذ يبدأ البنـك فـى دراسـة الاقتراحات المقدمة لشراء السلعة مـن الاسـواق المختلفـة ، وتحديد التكلفـة الكليـة ، وتحديد قيمتهـا أى ثمنهـا طبقـا لثمن الشراء وكل الرسـوم والنفقـات المتعلقـة بهـا . ويتفق الطرفان على نسـبة

محدد ، للربح تضاف الى التكلفة الكلية للتوصل الى ثمن البيع ويتفق الطرفان على مكان وشروط التسليم للسلعة المباعة وشروط الدفع للبنك .

التعامل مع البنوك التجارية المحلية والأجنبية :-

من الطبيعى أن يوجد تعامل بين البنوك الاسلامية ، والبنوك التجارية الاخرى سواء كانت محلية أو دولية بوسائل فتح حسابات جارية ، تظهير وتسوية الشيكات ، الترخيص للدفع ، أوامر الدفع النقدية ، وتستند على شرط أساسى يتمثل فى أن تتحرر هذه التعاملات من أى نوع لممارسات الفائدة .

الخدمات المصرفية التقليدية :-

تقوم البنوك الاسلامية بالخدمات المصرفية العادية مثل فتح حسابات، منح جميع أنواع الاعتمادات المستندية ، عمليات الصرف الخارجى ، التحويلات ، الخزائن الخاصة للعملاء ، حفظ الاشياء ذات القيمة ، الاستثمار ، الخدمات والنشاطات السياحية ... الخ .

الموضـــوع الثالـــث

التجـــارة الدوليـــة
العلاقـــات الاقتصاديـــة الدوليـــة

لقد تطـورت التجـارة بين مختلف الدول بسبب أن أحد الدول ستطيع أن ينتج بعض السلع المرغـوب فيها من الاخرين والذيـن لايستطيعون انتاجهـا ، لذلك فان التجارة الخارجية ترجـع فـى أصلهـا الـى تنوع الموارد فى الاقاليم المختلفة .

فالمـوارد المنجميـة يمكن بوضـوح استخراجها فقط مـن حيث توجد ، فمناجم الفحم توجد أمـا فى الولايات المتحدة ، وبريطانيـا العظمى ، المانيـا وروسـيا ، ويوجد الحديـد أساسـا فـى الولايـات المتحدة ، فرنسـا ، السويد وروسيا ، كمـا يوجـد النحاس فـى شـيلى وزامبيـا ،ويأتى معظم النيكل من كنـدا ، ومعظم الذهب من جنوب افريقيـا ، ومعظـم الفضـه من المكسيك .

ان عديـد من السلع يمكن أن تنمـو تحت ظروف مناخيـة خاصـة ، أو فـى تربـة زراعيـة معينـة . فالمطـاط الطبيعى ينتج فـى جنوب شـرق آسـيا ، والبـن ينتج فى البرازيـل ، بينمـا ينتج أفضـل شـاى فـى العالـم فى الهند والصيـن .

ان سكان أى اقليم يمكنهم تطوير مهاراتهم الخاصة فى انتاج السلع التى يمكنهم بمرور الزمن أن يحصلوا على سمعة " شهرة " خاصة فى جودتها . أن أشهر نبيذ فى العالم ينتج فى فرنسا ، وأفضل الساعات فى العالم تنتج فى سويسرا . وعن طريق تبادل المنتجات ، بمنتجات الاقاليم الاخرى . فان بلدا ما .. دوله " يمكن أن يتمتع بتنوع أكثر مرتبة من السلع عن تلك التى كانت موجودة من قبل .

ان اختيار بلدا ما لأنواع الانتاج الذى تتخصص فيه سوف يتحدد طبقا لمزاياها التى تفوق الاخرين فى انتاج هذه الاشياء . فلو أن بلدا ما يتوفر لديه أكثر المزايا فى انتاج السلع الصوفية ، فانه حينئذ يميل الى التخصص فى انتاج هذه السلعه . وأن بلدا آخر يمكن أن يتخصص فى انتاج الصوف الخام .

ومثل هذه المزايا تنتج لأن هذا البلد يستطيع أن ينتج سلع مميزه ذات جودة خاصة واكثر رخصا عن البلاد الاخرى . وهذا معروف بمبدأ النفقات المقارنه أو المزايا المقارنه ، وقد تم تطوير نظرية التجارة الخارجية أولا بواسطة ريكاردو .

ويمكن أن نعبر عن النفقة المقارنة بما يمكن انتاجه بواسطة كمية معطاه وحدده من الموارد الانتاجية ، وهى " نفقة الفرصة البديلة " ، ففى بلد أول فان ١٠٠ وحده من هذه الموارد يمكن أن تنتج ١٥٠ طن من القمح ، أو ٨٠ طن من الخضروات ، وفى البلد الثانى فان ١٠٠ وحده من الموارد الانتاجية يمكن أن تنتج ١٠٠ طن من القمح ، أو ٩٠ طن من الخضروات ، وهنا فان البلد الاول لديه المزايا الاكبر عن البلد الثانى فيما يتعلق بانتاج القمح .

دعنا نذهب أبعد قليلا فيما يتعلق بهذا المثال ونناقشه فلو أن البلد الاول (أ) استخدم ١٠٠ وحده لانتاج القمح ، و ١٠٠ وحدة أخرى لانتاج الخضروات فان انتاجه الكلى من كلا السلعتين يصبح ١٥٠ طن قمح ، ٨٠ طن خضروات ، وبالمثل فان البلد (ب) يستخدم ٢٠٠ وحده من موارده لانتاج كلا السلعتين ويكون انتاجه الكلى ١٠٠ طن قمح ، ٩٠ طن من الخضروات .

ولكن نفترض الآن أن البلد (أ) تخصص فى انتاج القمح ، ولذلك فان الانتاج يصبح ٣٠٠ طن باستخدام ٢٠٠ وحده من الموارد ، بينما يتخصص البلد (ب) فى انتاج الخضروات ، ومن ثم يكون انتاجه ١٨٠ طن باستخدام ٢٠٠ وحده من الموارد . من الواضح ان اجمالى الانتاج لكلا البلدين سيصبح ٣٠٠ طن من القمح ، ١٨٠ طن من الخضروات بدلا من ٢٥٠ طن قمح ،

١٧٠ طن خضروات فى حالة عدم التخصص .
ومن ثم فهناك مكسب صافى قدره ٥٠ طن قمح ، ١٠ طن من الخضروات ، والتى نتجت من التطبيق البسيط لمبدأ التخصص والاستخدام الافضل للموارد ، ومن الطبيعى أن هذا الكسب سوف ينعكس فى شكل زيادة الاستهلاك عندما يقرر البلدان تبادل منتجاتهما .

ان فوائد التجارة الخارجية يمكن أن تكون واضحة فى حالة ما اذا كان بلد ينتج سلعة لاينتجها بلد آخر ، ولكن الامر يكون أكثر صدقا وأهمية فى الحالات التى يمكن فيها لكل بلد أن ينتج سلعة اكثر رخصا من الاخر ، أو حتى عندما يمكن لبلد أن ينتج كلا السلعتين بأسعار اكثر رخصا من الاخر .

معدلات التبادل (شروط التجارة) :

تعنى معدلات التبادل ، المعدل الذى طبقا له تتبادل منتجات بلد ما مع منتجات البلد الاخر . فكم هو مقدار القطن الذى يجب أن تعطيه مصر للسويد مقابل طن واحد من الحديد ، وذلك سوف يعتمد على القوة النسبية للطلب على القطن ، والطلب على الحديد ، (وباستخدام تعبيرات الاقتصادى الانجليزى ج .س. ميل ، فان الطلب على كلا السلعتين يكون فى فى علاقته مع عرضهما) .

ن التبادل على الاثمان العالمية للسلع الداخلة
الدولية ، ويمكن القول أن معدلات التبادل تكون في
ما عندما تكون أثمان صادراته أعلى نسبيا من اثمان
ته .

وفي فترة مابين الحربين العالميتين فان معدلات التبادل
اصبحت بدرجة أكبر في صالح البلاد الصناعية في أوربا
لان الاثمان العالمية للمنتجات الاولية والمواد الخام ،
والمواد الغذائية هبطت بدرجة أكبر من تلك الخاصة بالسلع
المصنعة .

ميزان المدفوعات :

ان التجارة الدولية تؤدي الى نشوء علاقات المديونية
بين الدول . ان الدولة " البلد " يتطلب الدفع في مقابل
صادراته ، كما يلزم أن يدفع في مقابل وارداته . ان ميزان
المدفوعات يوضح العلاقة بين مدفوعات الدولة للدول الاخرى
ومتحصلاته من هذه الدول ، وهو لذلك يعد بيان أو قائمة
بالدخل أو الايرادات والانفاقات في الحساب الدولي .

ان المدفوعات الرئيسية تكون بالطبع المخصصة لصادرات
وواردات السلع . ان المفردات أو المكونات التي تتعلق بالسلع
في ميزان المدفوعات تعرف بالمفردات المنظورة ، وحينئذ فان

العلاقة بين الواردات والصادرات يتم التعبير عنها فى الميزان التجاري ، وحينما تحقق دولة ما زيادة فى صادراتها عن وارداتها نقول أن الميزان التجارى فى صالح هذه الدولة (فائض) وفى الحالة العكسية عندما تزيد الواردات عن الصادرات يكون الميزان التجارى فى غير صالح هذه الدولة (عجز) .

كذلك توجد عدة أنواع من المدفوعات والمتحصلات بخلاف تلك المنظورة ، والتى تدخل فى ميزان المدفوعات بالدولة ، وهذه نطلق عليها المفردات غير المنظورة ، ونطلق عليها دائما الصادرات غير المنظورة فى حالة المتحصلات ، والواردات غير المنظورة فى حالة المدفوعات . وذلك ينتج بصفة أساسية من الخدمات المقدمة بواسطة دولة ما للدول الاخرى ، وتشمل بعض المفردات مثل : خدمات السفن ، الخدمات المالية ، خدمات الاستثمار فى الخارج ، نفقات السائحين ، المدفوعات مقابل تأجير الافلام الاجنبية ، المدفوعات مقابل العلاج والتعليم بالخارج ... وعديد من المدفوعات الاخرى .

الرقابة على الصرف :-

على نطاق العالم ، فان لكل دولة عملتها المحلية الخاصة ، ومن ثم يصبح من الضرورى ، تنظيم عملية التبادل (الصرف)

بين مختلف العملات ، وضد أن التجارة الخارجية تعني أن الافراد يتعين عليهم تسوية الديون في الدول الخارجية . ان الافراد الذين يستوردون السلع ، أو هؤلاء الذين اقترضوا نقودا من الخارج يكون عليهم ديون يجب دفعها للاجانب وبالعكس فان الافراد الذين يصدرون سلعا ، أو الذين اقرضوا نقودا الى الخارج يستحقون ديونا لهم على الاجانب .

حينما يتم عقد القروض الخارجية ، فان القرض نفسه يستلزم مدفوعات للاجانب في وقت تقديم القرض ولكن بعد هذا فان مدفوعات الفوائد واعادة دفع أى رد القرض يتطلب تحويلا للنقود من البلد الاجنبي الى البلد الذى قدم القرض . ان قيمة نقود دولة ما تقاس بسعر الصرف بين عملة هذه الدولة ، وعملة الدولة الاخرى ، ويمكن في الحقيقة أن نعتبر أن سعر الصرف هو ثمن عملتنا [illegible] عنه بالعملة الاجنبية - وهو ثمن يتحدد بالعرض والطلب .

من الطبيعي أن الاجانب يرغبون في تغيير عملة شعوبهم بالعملة المحلية ، ويتم ذلك في سوق الصرف الاجنبي (عموما من خلال البنك ، واحيانا في السوق المفتوح أو السوق السوداء) ويمكن اعتبار أن كل المدفوعات الموجهه لدولة بمثابة الطلب على عملتها ، وكل المدفوعات المستحقة أو الموجهة للخارج بمثابة عرض هذه العملة .

ويمكن ملاحظة أنه يمكن الاشارة الى ميزان المدفوعات بطريقة مختلفة عما سبق ، فلو أن دولة ما نجحت في موازنة حساباتها مع الخارج بتحويلها الى ديون ، فان ذلك يخلق مشاكل خطيرة لنظامها النقدي ، فلو كان الطلب على نقودها أقل من عرضها فان سعر الصرف يمكن الحفاظ عليه عن طريق الاقتراض لتقليل العرض في ايدي الاجانب ولكن قد يكون من غير الممكن الحفاظ على سعر صرف محدد الى ما لانهاية .

وحيث أن كون ميزان المدفوعات في غير صالح الدولة يترتب عليه آثار ضارة لاقتصادها - لو استمر لذلك لفترة طويلة من الزمن . فانه في خلال السنوات القليلة الماضية ، فان العديد من الامم لجأت الى اجراءات قاسية وصارمة للرقابة على الصرف ، ويعني ذلك ببساطة أن السلطات المسئولة تدفق العملة المحلية للخارج ، وتقيد كل أنواع الواردات المنظورة وغير المنظورة ، وفي نفس الوقت تحاول أستخدام وتعبئة ايراداتها من العملات الاجنبية وموازنتها مع قيمة الواردات ، ومن ثم تنجح في تجنب ميزان مدفوعات في غير صالحها .

كيف يمكن لمصر تنمية قطاع التصدير فى اقتصادها

ـ أهمية قطاع التصدير لتطوير الاقتصاد يستلزم وجود ميزان تجارى فى صالح الدولة ، وتنمية قطاع التصدير وميزان مدفوعات فى غير صالح البلد يؤدى الى المديونية ... ولايمكن مواجهة ذلك الا بتحقيق فائض فى الميزان لمدة عدة سنوات .

أ ـ الصادرات المنظورة : يمكن زيادة السلع القابلة للتصدير وتشمل ـ المنتجات الزراعية التى لمصر مزايا فيها مثل القطن والبصل ، الزهور ، الفواكه ، المنتجات الغذائية المصنعة ، كالخضروات والفواكة والعصائر ، وكذا السلع اليدوية ذات الشهرة العالمية كمنتجات خان الخليلى ، والمنتجات الجلدية ، والسلع المصنعة .

ب ـ الصادرات غير المنظورة : وتشمل :

١ ـ تشجيع السياحة وبناء الفنادق واعطاء مزايا للسائحين لاتتوفر فى بلاد أخرى .

٢ ـ تحسين خدمات قناة السويس لحركة السفن الدولية وعبور القاطرات الضخمة .

٣ ــ تحسين خدمات المطارات والموانى •

٤ ــ تشجيع المصريين العاملين بالخارج على تحويل مكتسباتهم الفائضة الى البلد الأم •

جـ ــ سياسة الاستيراد :

رقابة الاستيراد يكون لها آثار على ميزان المدفوعات ويشمل فى :

١ ــ عدم تشجيع الانفاق غير الضرورى فى الخارج •

٢ ــ عدم تشجيع استيراد السلع الكمالية الفاخرة •

٣ ــ الاقتصاد فى الانفاق الحكومى على البعثات فى الخارج •

٤ ــ تقييد الواردات التى يمكن وجود بدائل مناسبة لها •

٥ ــ تشجيع استيراد السلع الرأسمالية لاستخدامها فى صناعات التصدير المحلية •

د ــ سياسات تجارية أخرى : تشمل :

١ ــ عقد اتفاقيات تجارية مع البلاد الاخرى وضمان شروط فى صالح الاقتصاد المصرى •

٢ ــ فتح أسواق جديدة والتوسع فى تلك الموجودة •

٣ ــ اعطاء اهمية لاسواق الدول العربية الغنية (دول البترول بامكانياتها الاستهلاكية الضخمة وايراداتها الكبيرة) •

٤ ـ تنويــع الصـــادرات وامتدادهــا لاقاليــم مختلفــة •

٥ ـ دراســة افريقيــا كســوق للتصديــر •

٦ ـ البعثــات التجاريــة واقامــة المعــارض ... •

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